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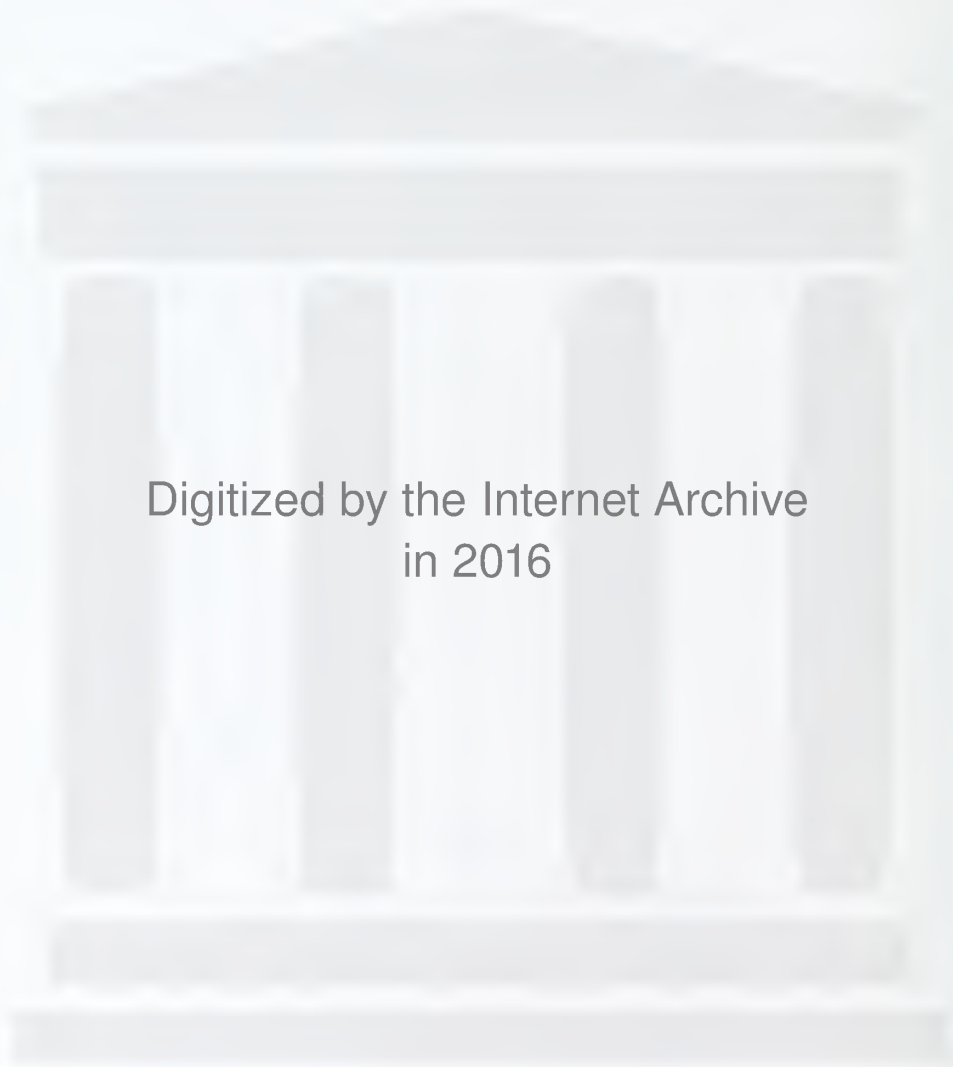
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BENCH AND BAR

OF

OHIO

A COMPENDIUM OF HISTORY AND BIOGRAPHY

Illustrated with Steel-Plate and Half-Tone
Engravings

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BENCH AND BAR OF OHIO.

THE EARLY BENCH AND BAR OF THE WESTERN RESERVE.

BY JUDGE HENRY CLAY WHITE.

The marked influence and advanced standing of the people of the State of Ohio is due, in no small degree, to the diversity in the social sentiments and traditions of the early pioneers, at the initial points of settlement. In the southern portion of the State there was a mingling of the Puritan life from Massachusetts Bay, and the generous impulses of the Cavalier spirit from Virginia. In the northern portion of the territory constituting the State, the modified ideas of Puritanism, as it came through the Connecticut colony, found lodgment. This was especially true of that part of Ohio originally claimed by Connecticut. The events involved in the history of the Connecticut Western Reserve retarded the establishment of social government in that part of the Northwest Territory for many years, and when civil government finally became established by the Act of Congress of 1800, the civil institutions came to sudden and permanent maturity. These events grew out of the most peculiar and complicated relation of the State of Connecticut to the United States. The claim of Connecticut was founded upon a patent granted by King Charles II., in which the western boundary of the territory of Connecticut was imperfectly defined. Connecticut claimed not only the right to the soil of her territory in the Northwest, but also the right of jurisdiction. After the sale of the territory constituting the Reserve to the Connecticut Land Company, which was a syndicate of capitalists in the East, Connecticut undertook to convey to this company, not only the title to the soil, but also the "right of jurisdiction." The company at no time considered itself justified in assuming civil jurisdiction, and when it was ascertained that the sale and settlement of the lands was seriously interfered with by the lack of civil government, the Land Company made strenuous appeals to the State of Connecticut to resume jurisdiction.

The territory thus reserved by Connecticut in her cession of western lands to the United States, dated September 14, 1786, was to be bounded on the north by the international line, forty-two degrees and two minutes; east by the western boundary of Pennsylvania; south by the forty-first parallel, and west by a line parallel with the eastern boundary and distant from it one hundred and twenty miles. The acreage area of this reserved territory was

supposed to be four millions of acres, but on actual survey proved to be less than three millions. This territory is not at present bounded by county lines.

The initial step in defining civil jurisdiction, in all the western cessions made by the States to the Union, was the erection of counties, and the county became the unit of organization in the Northwest, instead of the township, as in New England, and the parish, as in the southern portions of the United States. In the Connecticut Western Reserve, the final division of local government was into counties and townships; so that the indestructible unit of primary self-government, "The New England Township," finally asserted itself in the institutions of the Western Reserve. The efforts to extend the privileges of civil government in the wilderness of the Northwest Territory, afford a very curious and valuable history. That part of the Northwest Territory now comprised in the boundaries of Ohio, so far as the Indian titles had been extinguished, was erected into two counties—Washington and Hamilton. Washington county was erected by the action of the Territorial government at Marietta in 1788; that government, at that time, being the governor, General Arthur St. Clair, and the three judges appointed by Congress, constituting a Grand Council. Washington county comprised about half of the territory of Ohio, and about half of the Western Reserve, but this immense county was merely a paper government. The actual and immediate jurisdiction, which had found lodgment at Marietta on the Ohio river, had not been extended to the virgin wilds of the Western Reserve. At a later period the attempt of Governor St. Clair, through his fiscal agents, to levy taxes upon the inhabitants of the Western Reserve, led to a slight conflict of authority. The officers of the territorial government never exerted any official control of the settlements made upon the Western Reserve. The deed granting the territory of the Reserve to the Connecticut Land Company, by the State of Connecticut, conveyed all the right, title and interest of the State of Connecticut, "Juridical" and "Territorial."

One of the most accurate and painstaking historians of the Western Reserve has said: "So little was known at this time, of the respective powers of the State and of the United States, under the Constitution of 1787, that many of the parties thought the Land Company had received political authority and could found here a new State. They imagined themselves, like William Penn, to be proprietors, coupled with the rights of self-government." He further says: "Both parties to the transaction imagined that the deed of Connecticut conveyed powers of civil government to the company, and that the grantees might organize a new State." *

This assumption of civil authority, when fairly asserted and understood, met with a decided opposition by the United States. It was considered entirely anomalous and unwarranted that a syndicate of land speculators should be allowed to erect a new State within the territory of the Northwest.

* Colonel Charles Whittlesy in "The Early History of Cleveland," page 167.

From this time, until the year 1800, frantic appeals were made by the Land Company to the State of Connecticut, and finally by the State of Connecticut to the United States, and Congress, to solve the problem of civil government on the Western Reserve. A narrative of the various applications made to the general assembly of Connecticut, by the corporate parties interested, would be inconsistent with the purposes of this sketch. The difficulty which confronted the State of Connecticut was, to concede civil jurisdiction to the Federal Union, and still maintain her claim to reserve title to the soil of the territory.

On the 18th day of February, 1800, Mr. Brace, of Connecticut, offered in the House of Representatives a resolution to appoint a committee to take into consideration the expediency of accepting the proffered cession of jurisdiction over this territory of the Reserve from the State of Connecticut. It is a remarkable fact that the chairman of this committee was a man of no less distinction than John Marshall, the great jurist, and afterwards Chief Justice of the United States. Mr. Marshall, at this time, was a member of the Federal House of Representatives. He made a lengthy report of the situation, giving a history of all the events leading to the assumption and reservation of jurisdiction by the State of Connecticut, and concluding that Connecticut could set up a government on the Reserve, if she chose to do so, but that it would be far more politic and expedient to merge the jurisdiction in that of the Northwest Territory. This report was finally adopted by Congress, and deeds were respectively made by the Federal government and the State of Connecticut, through and by which the United States confirmed the title to the soil of the Western Reserve, in Connecticut, and Connecticut renounced forever all territorial and jurisdictional claim over such soil; and thus a serious controversy and emergency, which retarded the settlement of this magnificent domain, and had seriously imperiled the relations between the State of Connecticut and the Federal government, was happily composed and averted.

The judicial functions and jurisdiction, as it was originally exercised in the territory "northwest of the River Ohio," was vested in judges appointed by the President of the United States; the original appointment by President Washington being conferred upon the following persons: Samuel Holden Parsons, James Mitchell Varnum and John Armstrong—John Armstrong declining the appointment, John Cleves Symmes was appointed in his place. These judges, or any two of them, constituted a court of common-law jurisdiction. They also had certain legislative functions, which it is not necessary here to define.

There was a somewhat serious contention touching the powers of the governor, secretary and judges of the territory to legislate originally for the territory. It was insisted by many that they were simply confined to adopting such laws as might suit the conditions of the new territory, found already enacted in the statutes of the older States.

"These judges, appointed by the National Executive, constituted the Supreme Court of the territory. They were commissioned during good

behavior, and their judicial jurisdiction extended over the whole region northwest of the Ohio. The court thus constituted was fixed at no certain place, and its process, civil and criminal, was returnable wheresoever it might be in the territory. Inferior to this court, were the County Courts of Common Pleas and the 'General Quarter Sessions of the Peace.' The former consisted of any number of judges, not less than three, nor more than seven, and had a general common-law jurisdiction concurrent in the respective counties with that of the Supreme Court; the latter consisted of a number of justices for each county, to be determined by the governor, who were required to hold three terms in every year, and had a limited criminal jurisdiction. Single judges of the Common Pleas, and single justices of the Quarter Sessions, were also clothed with certain civil and criminal powers to be exercised out of court. Besides these courts, each county had a judge of probate, clothed with the ordinary jurisdiction of a Probate Court. Such was the original constitution of courts and distribution of judicial power in the Northwest Territory. The expenses of the system were defrayed in part by the National Government, and in part by assessments upon counties, but principally by fees, which were payable to every officer concerned in the administration of justice, from the judges of the General Court downward. In 1795 this judiciary system underwent some changes. The General Court was fixed at Cincinnati and Marietta, and a Surrogate Court was established, with power to try, in the several counties, issues of fact depending upon the superior tribunal where alone causes could be finally decided. Orphans' Courts, too, were established, with jurisdiction analogous to, but more extensive than that of the judge of probate. Finally, as if with a view to create some great reservoir from which, whatever principles and powers had been omitted in the particular acts, might be drawn according to the exigency of circumstances, the governor and judges adopted a law providing that the common law of England, and all general statutes in aid of the common law, prior to the fourth year of James I., should be in full force within the territory." (Chase's Statutes of Ohio, Vol. 1, Preliminary Sketch, page 26.)

A fruitful history might be written upon the origin and evolution of the primitive and historic magistrate, known to the English law as the "Justice of the Peace." Pursuant to the powers conferred upon the governor and judges of the Northwest Territory by the Ordinance of 1787, the territorial government appointed for each county a number of justices of the peace, five of whom, designated by the governor, should constitute what was called "The Quorum." This body of justices were required to meet three times a year at the seats of justice designated, and hence the name of the "Court of Quarter Sessions of the Peace." The meeting of the five justices, who seemed to have pre-eminence under the orders of government, was a meeting of the "Quorum." This may be said to be the primitive court of the Northwest Territory. While single justices may have dispensed a rude justice in the wilderness, previous to the date of August 25, 1800, it was on that date that the first Court of Quarter Sessions for Trumbull county, which comprised

nearly all of the Western Reserve, was held. It was held at Warren, which has since been known as the original "capital" of the Western Reserve. In this court was lodged the entire civil jurisdiction of the county, local, legislative and judicial. The first court opened on the public square or common, in the city of Warren, at four o'clock in the afternoon, under a bower of trees, between two large corn cribs. It continued five days, and the labors it accomplished can be best shown by the following synopsis of the record preserved in the handwriting of Judge Pease:

"Court of General Quarter-Sessions of the Peace, begun and holden at Warren, within and for said county of Trumbull, on the fourth Monday of August, in the year of our Lord eighteen hundred, and of the independence of the United States the twenty-fifth. Present, John Young, Turhand Kirtland, Camden Cleveland, James Kingsbury, and Eliphalet Austin, Esquires, justices of the quorum, and others, their associates, justices of the peace, holding said court. The following persons were returned, and appeared on the grand jury, and were empaneled and sworn, namely: Simon Persons (foreman), Benjamin Stowe, Samuel Menough, Hawley Tanner, Charles Daly, Ebenezer King, William Cecil, John Hart Adgate, Henry Lane, Jonathan Church, Jeremiah Wilcox, John Partridge Bissell, Isaac Palmer, George Phelps, Samuel Quinby, and Moses Park. The court appointed George Tod, Esq., to prosecute the pleas of the United States for the present session, who took the oath of office. The court ordered that the private seal of the clerk shall be considered the seal of the county, and be affixed and recognized as such till a public seal shall be procured. The court appointed Amos Spafford, Esq., David Hudson, Esq., Simon Perkins, Esq., John Minor, Esq., Aaron Wheeler, Esq., Edward Payne, Esq., and Benjamin Davidson, Esq., a committee to divide the county of Trumbull into townships, to describe the limits and boundaries of each township, and to make report to the court thereof."

Thus the institution of civil and judicial government on the Western Reserve was contemporaneous with the beginning of the century, and from that time to this the enlightened administration of justice by the duly constituted tribunals has never been interrupted in that part of the State of Ohio. According to my best information, there never has been a lynching upon the Western Reserve, and with very few exceptions the enforcement of civil order has never been impeded by mob law.

The changes made in the erection of counties upon the Western Reserve, and their division and subdivision, affords material for an interesting discussion; but its consideration would be apart from the purpose of this sketch.

The courts to which reference has now been made continued under the territorial government until the admission of the State into the Union, under the Constitution of 1802, when other courts were created somewhat modifying the functions and jurisdiction of the judicial magistrates.

The character of rights and remedies with which these early tribunals had to deal, was of course fixed by the social conditions of the community. Abundant litigation, touching land titles, was of later origin, when lands became more valuable.

In every new community, courts stood most prominently before the people as conservators of the peace. Nearly, if not quite all, the criminal juris-

diction exercised by these early magistrates grew out of the conflicts between white settlers and the Indian tribes. It must not be inferred from the fact that the early settlers upon the Western Reserves were without judicial institutions, that there was no need of them, and that, in the conduct of life, these pioneers were so saintly as to be beyond the need of law and civil order. The fact, authenticated by history, is that "the settlement of the Reserve was opened at a time when religion in New England was at a low ebb. Old Connecticut did not at first send, as a rule, what she considered her best elements to New Connecticut. At a later day, the character of the emigration improved in respect to religion and morals; but the first emigration was largely made up of men who desired to throw off the heavy trammels of an old and strongly conservative community, where church and state were closely connected, and where society was dominated by political and religious castes. Still further, the East was at this time swept by an epidemic of land speculation; while the laxative moral influence of a removal from an old and well-ordered society to the woods produced its usual effects."*

And yet, it must be conceded that these pioneers bore with them into the wilderness the intuitive reverence of the Anglo-American race for law and social order. This in-born reverence for the majesty of the law is the most hopeful solvent for all the serious problems of democracy. These men from New England, while not of the choicest of the population, nevertheless exemplified the Puritan spirit of mingled subordination and independence. The Connecticut Western Reserve was the last home of colonized Puritanism. The Puritan always inculcated a righteous sense of justice. He drew his legal inspirations from that ancient people whose code was graven on tables of stone. In his eyes not only crime, but venous sins, were heinous and offensive. This bias can be traced in the early administration of public justice.

The first capital case, the trial of which attracted public attention on the Western Reserve, was the case of the State of Ohio against O'Mic, which was tried in the city of Cleveland, in the year 1812. This was an indictment against a young Indian of the Chippewa tribe, for murdering two trappers in the wilds of Ohio, which is now a part of the county of Sandusky. The trial was conducted under a spreading oak tree. The jury were seated upon rude puncheon benches extemporized for the occasion. It was before the erection of a court house and jail, and the prisoner was confined in the loft of the only public house in the village. The presiding judge at this trial was Benjamin Ruggles, and his associates whose names have not been very carefully preserved by the records. After a fair and impartial trial, O'Mic was convicted and sentenced to be hanged upon the public square, and after an execution which was at once primitive, ludicrous and pathetic, paid to the majesty of the law the penalty with his life, and was buried under his gallows. To pursue the history of these *causes celebres*, would demand too much space. The most populous of the counties upon the Western Reserve, that of Cuyahoga—named from the river which finds its way to Lake Erie through its borders—

* Dr. B. A. Hinsdale in "Magazine of Western History," August, 1889, page 353.

was erected after the adoption of the first Constitution of Ohio, in the year 1807. The seat of justice, however, for this new county, was not Cleveland, but Chardon, Geauga county. Until January 16, 1810, Cuyahoga county had no judicial institutions of its own. During the territorial period preceding the admission of the State into the Union, Governor St. Clair had appointed James Kingsbury, of Cleveland, a justice of the Court of Quarter Sessions for the county of Trumbull. This statement leads me to group the further discussion of this subject around brief, and necessarily imperfect, sketches of some of the pioneer magistrates and lawyers.

SAMUEL HUNTINGTON. One of the foremost of the pioneers of the Western Reserve, and who became distinguished in early public life, above all others, was Samuel Huntington, Esq., of Connecticut. He was born in the State of Connecticut in 1765. He was a graduate of Yale College, and subsequently studied law, and was admitted to the Bar in his native State. He engaged in the practice of his profession in that State until 1800, when he came to Ohio, living at different times at Youngstown, Marietta, Cleveland and Painesville. He was a member of the Constitutional Convention of 1802; was a State senator from Trumbull county; was a judge of the Supreme Court, and while so serving, resigned the judgeship, having been elected governor of the State. He died at Painesville in the county of Cuyahoga, now county of Lake, in 1817. He was the adopted heir of his uncle and namesake, Governor Samuel Huntington, of Connecticut. In the year 1801 he removed from Youngstown to Cleveland, and built himself a spacious block house in what is now the very heart of the city of Cleveland. He had a liberal education and was refined and aristocratic in his habits and manners. He was thoroughly conversant with the French language, and had studied abroad—a very rare accomplishment for a young man of those days. His family consisted of three servants, and his home in the wilderness manifested no small degree of taste and refinement. His first public office was that of a justice of the Quorum, being appointed by Governor St. Clair in 1802. A murder case was tried in Youngstown about that time, before Justice Huntington. It was the case of McMahon, who was charged with murdering an Indian by the name of "Spotted George" at Salt Springs, now in Mahoning county. On that occasion Governor St. Clair paid a visit to the Western Reserve, the first and only time that the territorial governor so honored that part of Ohio. By common consent Huntington took priority on the Bench of the Court of Quarter Sessions. In November, 1802, he was elected a delegate to the convention, to form the State Constitution, about to assemble at Chillicothe, Ohio. He took a prominent part in the convention, and for nearly half the session was the only representative from the large county of Trumbull in the territory. He was active upon the judiciary committee and his influence was felt in this notable body, who laid so well and wisely the foundations of the State in the first Constitution.

There is very little recorded judicial history, in which Judge Huntington participated. It was before the day of the court reporter and stenographer, and the literary remains of such a public man are decidedly meager. The

legal profession, at that time, was beset with peculiar hardships and dangers. The judges were more in the saddle than upon the Bench. The usual means of transit from place to place was upon horseback. The law libraries were in the saddle-bags, and consisted only of two or three volumes. The judges and the lawyers, out of court, in all their social intercourse, were on an equal footing, and their common experiences and close intercourse engendered a familiar comradeship, the amenities and jovial incidents of which did much to modify the asperities and adversities of their lives.

"The journeys of the Court and Bar, to those remote places, through a country in its primitive state, were unavoidably attended with fatigue and exposure. They generally travelled with five or six in company, and with a pack-horse to transport such necessities as their own horses could not conveniently carry, because no dependence could be placed on obtaining supplies on the route; although they frequently passed through Indian camps and villages, it was not safe to rely on them for assistance. Occasionally, small quantities of corn could be purchased for horse feed, but even that relief was precarious, and not to be relied on.

"In consequence of the unimproved condition of the country, the routes followed by travellers were necessarily circuitous, and their progress slow. In passing from one county seat to another, they were generally from six to eight, and sometimes ten, days in the wilderness; and at all seasons of the year, were compelled to swim every water course in their way, which was too deep to be forded; the country being wholly destitute of bridges and ferries; travellers had therefore to rely on their horses as the only substitute for those conveniences. That fact made it common, when purchasing a horse, to ask if he were a good swimmer, which was considered one of the most valuable qualities of a saddle-horse. Strange as this may now appear, it was then a very natural inquiry." *

Such was the common experience of Judge Huntington, from which none of the jurists of that day were exempt. It is related of Judge Huntington that the most thrilling experience through which he passed in the wilderness, was during a ride through the forest from what was then the village of Painesville, on the lake shore, to Cleveland. At a point now in the heart of the residence portion of the city of Cleveland, he passed through the primeval forest at night and was set upon by a pack of hungry wolves, who had their covert in that portion of the woods, and his life was saved by his beating off the boldest of the pack with his umbrella, which was broken to pieces, and the fleetness of his horse, which took fright and whose speed outstripped the foremost of the pack, in their race toward the scattered village of Cleveland. There is something characteristic of the man, that his only weapon on that occasion was that necessary adjunct to the equipment of every refined gentleman, an umbrella.

Samuel Huntington was a learned man, of generous culture and much refinement. No doubt there was something of unyielding sternness in his dis-

* Burnet's Notes on the Northwestern Territory, p. 65.

position and service as a magistrate, coming to him through his ancestors in Connecticut. Record is made of the fact that one Isaac Huntington, who was no doubt Governor Huntington's ancestor, while a justice of the peace in the State of Connecticut, and administering the "Blue Laws" in all their rigor, disposed of a case thus:

"1738, July 12. John Downer and Solomon Hambleton for profaning the Sabbath day by oystering, fined five shillings and costs."

This same justice, in 1749, fined a person twenty shillings for playing at cards, and another five shillings for laughing in a meeting.

No doubt the early jurisdiction of the judges of New Connecticut was exercised over cases quite as trivial, if not of the same character, as the above reported cases. But here was a young man who died but little past middle life who had spent years in procuring his education at home and abroad, rising step by step on his merits from the humble office of a justice of the peace to the gubernatorial chair of the State, and yet one has to glean through numerous volumes of obscure history to learn even the simplest outlines of his life. His portrait may be found in the gallery of the governors of Ohio, exhibited in the rotunda of the capitol at Columbus. No one can look upon the refined and delicate lines of his face, his elegant attire, his large, lustrous eyes, without wondering howso refined and cultivated a gentleman could have found congenial life in the unbroken wilderness of northern Ohio.

It has been well said of Governor Huntington that "his character for strict integrity, great executive ability and accomplished scholarship was second to that of no incumbent of the executive chair."*

The first Court of Common Pleas held in Cuyahoga county was held in Cleveland in June, 1810. The population of Cleveland was then fifty-seven. Honorable Benjamin Ruggles was president of the court. The business term embraced the consideration of five civil suits and three criminal prosecutions. Thomas D. Webb is recorded as the attorney who filed the first precipe for a summons, being the suit of Daniel Humason against William Austin—action for trespass on the case for eleven hundred white fish of the value of \$70, which came into the hands of the defendant by "finding," but who refused to give them up on demand, and converted them to his own use. Alfred Kelley appeared for the defendant, denied the force and injury, etc., the plaintiff joined issue and "put himself on the country." At the next term the defendant appeared, by his attorney, "and the plaintiff being solemnly demanded to come into court and prosecute his suit, but came not. Whereupon the court considered that said Daniel take nothing by his bill, but that he be amerced, and that said William go without delay and have execution for his costs and charged by him laid out about his defense, of \$9.55."

I am indebted for this record to the Honorable F. T. Wallace, now deceased, in his admirable sketch upon the legal and judicial history of Cleveland, published in the "Bench and Bar of Cleveland."

* A sketch of the Supreme Court of Ohio, by Edward B. Kinkhead.

HONORABLE ALFRED KELLEY. This gentleman's name is ineffaceably written and prominent in the early history of Ohio. He also was bred to the law in the State of Connecticut. He was a man of great breadth of statesmanship, as well as legal acumen. He was for many years one of the great leaders in framing wholesome laws for the government of the new State of Ohio, and stood at the head of those who founded its commercial and financial institutions. He was a great financier. The Bankers' Association of the State of Ohio recently did tardy justice to the memory of this great man by publishing a memorial paper, prepared by Honorable T. H. Wilson, in their transactions at a recent meeting. He was the father of the banking system of the State of Ohio, and its outgrowth, the State Bank of Ohio, one of the strongest financial institutions of its day, and the progenitor of the National banking system of the United States. His name appears upon all the early records of the courts, of both the northern and middle portion of the State of Ohio. His early residence was Cleveland, and he was justly regarded, in his day and generation, as a leader among men.

JAMES KINGSBURY, ESQ. This remarkable pioneer came upon the Western Reserve with the original surveying party sent out by the Connecticut Land Company, in 1796, and the winter subsequent to his landing upon the shores of Lake Erie, with his young wife and child, was of such severity that to keep his family from starvation he was obliged to start alone through the primeval forests, to reach Buffalo, if possible, to procure provisions. When he returned to his hut, now in the county of Ashtabula, Ohio, he found his child dead, and his wife almost in the last stages of starvation. He was a man of sound judgment and of native force of character. In 1802 Governor St. Clair, of the Northwest Territory, appointed him a justice of the Quorum for the county of Trumbull. He was also honored by being elected to the first general assembly of the State. He was an enterprising, progressive and typical pioneer. He built the first frame house for a dwelling, near Cleveland, more than eighty years ago, and the structure still stands as one of the historic landmarks in the suburbs of the city.

HONORABLE BENJAMIN TAPPAN was the first settler in that county of the Western Reserve now called Portage, so named because it occupies territory between the head waters of the Cuyahoga and the Muskingum rivers, which was long used by the Indians as a portage. He was a lawyer of great original force and ability. He was somewhat eccentric and very brusque in his manners. His cabin was the first to be erected in the town of Ravenna, which is now the seat of justice in Portage county. In his fortitude and chivalry, no less than in his strong and indomitable will, there was something heroic. He emigrated from Connecticut with his household goods and "gods" transported with a cart and ox-team. Arriving at the mouth of the Cuyahoga, he, together with David Hudson, another pioneer, embarked upon the "crooked river" and paddled their way up stream to a point now in the county of Summit. Here he lived with his family in a tent, and with a hired man and a rude dray, constructed by himself out of poles, to which he had attached his

ox-team, he broke his way through the wilderness toward his destination. In the midst of the forest one of the oxen became over-heated and died, and he was stranded in the wilderness with only one dollar in his pocket, being one hundred miles remote from any settlement. With his trusty rifle, and a pocket compass, he made his way to Youngstown, and making a favorable impression upon Colonel James Hill, who was the leading citizen in that settlement, he purchased of Hill an ox on credit, and with his beast of burden found his way back to his lodge in the wilderness, and with this new team pressed on to his future home. Like so many others, coming from the East, and its strict rigorous and conservative religious life, he discarded all external observances of religion and its dogmas, and in the reaction from his former convictions, became a pronounced skeptic. It is said of him that, while a man of very generous and kindly disposition, he was once approached by a voluble preacher for a contribution to build a church, and in the exuberance of his appeal, the preacher said that the Lord "owned the cattle on a thousand hills." Mr. Tappan was then a member of the United States Senate. He turned to the preacher with a droll expression on his countenance and said: "Why don't the Lord sell some of those cattle and build his own church?" He was possessed of a good academic and professional education, and reached a proud eminence as a jurist and statesman, and was elected by the first legislature as one of the first United States senators for the State of Ohio, where he became a conspicuous, as well as useful public servant.

To even transcribe the roll of those who might be deemed worthy of a special sketch, in this fragmentary history of the Western Reserve, would occupy vastly more space than could be allotted to its treatment in this connection. These men, whose names I have mentioned, may be taken as typical of the class of pioneer professional lawyers and judges upon the Western Reserve. There are scores of others whose names are worthy of at least mention: George Tod was one of the early judges of the Supreme Court from this portion of the State of Ohio. Honorable Reuben Wood, although serving at a somewhat later date, was also a pioneer judge of the Supreme Court, and also filled the gubernatorial chair—a strong and conspicuous minister of justice and statesman. Judge Calvin Pease was also a member of the Supreme Court, from the State of Ohio, under the old Constitution. All these men seemed to be possessed of such qualities of original force and wise foresight as to render their lives and services indispensable in planting judicial institutions, and engendering a love for law and order during the formative period of life and settlement upon the Connecticut Western Reserve.

THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SIXTH DISTRICT.

BY JUDGE WILLIAM H. TAFT.

The task of writing the history and relating the traditions of a court only six years old would seem not to be a heavy one. The Federal Circuit Courts of Appeals historically are now much more interesting in their period of gestation than in their life since birth. The time which it took to create them, after their conception by those interested in reforming the administration of justice, was considerably greater than that which has elapsed since the passage of the act of March 3, 1891, which gave them being. The united and long continued efforts by the Bar and the Bench of the country to rouse Congress to the necessity for creating them measure the conservatism which has always characterized that body in its attitude toward the Federal judicial system. When comparison is instituted between the legislation of Congress on that subject since 1800 and the legislation of the British Parliament with reference to the English courts during the same time, it will be found that Congress has been much less disposed to change than its English prototype. This difference, of course, is not wholly due to greater conservatism on the subject. The English system, hoary with the age of half a dozen centuries, was more in need of reform than that system which in 1789 sprang full armed from the brain of Oliver Ellsworth, and it needed many changes before it approximated in simplicity the Federal system as at first established. Then, too, the constitution of the English Parliament is much better adapted to law reforms than that of the American Congress. The chief law officers of the Crown are always members of the Government in the House of Commons and exercise a controlling influence on legislation to be passed for the improvement of courts, while in the House of Lords are usually half a dozen law Lords, including the Lord Chancellor and the Lord Chief Justice, whose experience admirably fits them to prepare and discuss such legislation and who have the strongest motives for making the administration of justice efficient. In Congress it usually happens that the judiciary committee of the Senate has upon it some lawyers quite familiar with the practice and needs of the Federal courts, but the same thing is not always true of the judiciary committee of the House. The attorney-general may recommend improvements in the judicial system to Congress, but this is very different from the power exercised by his British brother, who may formulate and introduce a bill, argue its merits to the House and marshal in its support the vote of the majority party.

Whatever the cause of it, in the whole 109 years of the life of the Federal judicial system there have only been three changes which have affected its judicial framework, and one of these was completely repealed fourteen months after its enactment. By the Judiciary Act of 1789 three courts were provided for, the Supreme, Circuit and District Courts. It was the intention of the founders of the system that the District Court, which had but a limited jurisdiction, should be presided over by a single district judge from whose decisions appeals could be taken to the Circuit Court, and that the Circuit Court, in which was vested the widest original jurisdiction, should be held by two judges, the supreme justice and the district judge sitting together. Provision was made for the holding of the Circuit Court by either judge, but this was evidently intended to be the exception. On February 13, 1801, Congress passed "an act to provide for the more convenient organization of the courts of the United States." The act divided the country into six circuits, the first three of which were exactly the same as to-day, and the sixth of which included all of the present Sixth Circuit except Michigan, which was then a part of the Northwest Territory. The main change in the act was the provision for three circuit judges in each circuit who were to hold the Circuit Court in each district, and two of whom could form a quorum. Even in those days the Sixth Circuit seemed not to have received its share of the judicial force of the country, for the law only provided for the appointment of one circuit judge in that circuit, and vested the district judges of the circuit with power to act as circuit judges. It was this law under which the "midnight judges" were appointed by President Adams, and which roused so much criticism among the members of the old Republican party. The result was that on March 8, 1802, President Jefferson approved an act repealing the law of 1801 *in toto* and restoring in every respect the judiciary act of 1789. The question of the power of Congress to abolish the office of a judge whose tenure of office by the Constitution was for life was not raised at that time, and it remains still an open question unless the acquiescence in this act can be said to have settled it. The reasoning in the recent decision of the Supreme Court in the income tax cases would seem to deprive such acquiescence of conclusive effect at least. From 1801 until 1869, no change was made in the Federal judiciary. Possibly two or three judges were added to the Supreme Court, and as new districts were organized, new district judges were appointed, but the system still embraced only two grades of judges, supreme and district, and their powers and duties remained practically the same. The jurisdictions of the three courts were enlarged somewhat and the business very greatly increased, but it had to be disposed of in the District and Circuit Courts by then district judges with not a great deal of assistance from the supreme justices on the circuit. In 1866 a bill was introduced in the Senate and reported from the Judiciary Committee providing for the establishment of Federal Courts of Appeals, but it passed neither House. In 1869, it had long been evident that with the increase in the business of the Supreme Court, the work of the supreme justices on the circuits must be nearly nominal and that the only way

to facilitate business in the Circuit Court was to provide a judge to hold that court, instead of continuing the anomaly of a court which was without its own judge and was administered by judges of other courts. Congress was finally, on the 10th of April, 1869, induced to take action and passed "an act to amend the judicial system of the United States," which provided for the appointment of a circuit judge in each of the then nine circuits and vested him with power to hold the Circuit Court in each district of his circuit alone, or with the circuit justice or with the district judge. The law also contained a provision (now more honored in the breach than the observance), that each of the supreme justices should attend at least one term in two years in each of the districts of the circuit to which he might be assigned. The enactment of the provision suggests, what was doubtless a fact, that even at that time the visits of the circuit justices were quite like those of angels. And it is no wonder, for the business of the Supreme Court had then increased so much that it became a physical impossibility for a justice of the Supreme Court to visit each district of his circuit in the short vacations of his own court. It is interesting to compare the business of the Supreme Court of John Marshall's time and that of the court between 1870 and 1890. From 1801 until 1810 the cases did not number more than twenty-five a year. From 1826 to 1830 their number was about fifty-eight a year. In 1850 the average number of cases docketed a year was about seventy. After that the increase was such that in 1880 the number had increased to about 400 cases a year. Under the present methods of business in the Supreme Court, each justice will average thirty opinions a year. In the days of Marshall, fifteen opinions was a goodly number for one judge. In 1819, the court disposed of thirty-three cases, including the Dartmouth College case, *McCulloch vs. Maryland*, *Sturges vs. Crowninshield* and *Baptist Association vs. Hart's Ex'rs.*, and of the thirty-three, Marshall announced the opinion in 12, Storey in 9, Johnson in 6, Washington in 2, and Duvall and Livingston each in one. The increase in the business of the Supreme Court had its effect and the court soon began to fall so far behind its docket that a case could not be heard until three years after it was docketed. It would seem that such a condition of affairs would have called for immediate action, but it was more than ten years after the matter was forcibly brought to the attention of the National Legislature before any relief was granted. Mr. Justice Davis resigned from the Supreme Bench to go into the Senate in 1877, and early in his term he developed a plan for the relief of the Supreme Court. In 1880 his bill was reported to the Senate by the Judiciary Committee and passed that body, but it failed to pass the House. Judge Davis's bill provided for an intermediate Court of Appeals in each circuit of five judges, the quorum of the court to be four. The court, when full, was to consist of the circuit justice, the existing circuit judge and two more circuit judges to be appointed in each circuit, and one or two of the district judges to be designated to sit in the court. This court was to have the power of reviewing practically all cases heard in the District and Circuit Courts. Judgments of the intermediate court were to be reviewed in the Supreme

Court in all cases involving more than \$10,000 exclusive of costs, all cases involving constitutional questions and in all patent and copyright cases. It is not too much to say that it was the presence of Judge Davis in the Senate and his prestige as a member of the Supreme Court of long experience which led to the final adoption of a plan something like his for the relief of the Supreme Court. It ought to be added that the public attention was attracted to the growing evils and the best plan to remedy them by an article from the pen of Mr. Justice Stroug, then recently retired from the Supreme Court, in which he depicted in strong words the denial of justice in that court due to inevitable delay, and set forth in a most convincing way the advantage of the general plan embodied in Judge Davis's bill. The fact that the Court of Appeals system owes its adoption as much to these two justices as to any one, justifies the remark already made that the presence of the great judges of England in the House of Lords is of the greatest assistance in bringing about law reforms. Soon after Judge Davis's bill was introduced and discussed, other bills having the same ultimate object of relieving the Supreme Court, but drawn on very different lines, were introduced in Congress. These bills proposed a division of the Supreme Court into three parts, for the purpose of hearing and disposing of all cases but those cases involving the Constitution or laws of the United States, which were still to be submitted to the whole court *in banc*. In 1881, the matter came before the annual meeting of the American Bar Association, and a committee of leading lawyers was appointed to make a report on the best plan for the relief of the Supreme Court. At the next year's meeting of the association, in 1882, the committee submitted a majority and a minority report, and a very full discussion followed before the association. The majority of the committee included Governor Stevenson of Kentucky, Henry Hitchcock of Missouri, and Rufus King of Ohio. Mr. Hitchcock acted as their spokesman. They favored a plan like that proposed in the Davis bill, to wit: The establishment of intermediate courts of appeal for each circuit, in which all judgments of the courts of original instance could be reviewed and a limitation in amount involved, and in subject matter upon those cases which could be carried for review to the Supreme Court from the courts of appeal. The majority contended that this was the only feasible plan for the relief sought; that it provided for a review in every case, and yet reduced the cases to be considered by the Supreme Court to those of sufficient variety and importance to retain for that court its all-important function of maintaining uniformity in the administration of Federal justice throughout the country, and of furnishing to the country and the world decisions of highest authority on questions of general jurisprudence. The majority of the committee objected seriously to the division of the Supreme Court into parts for hearing and deciding causes, on the ground that such an arrangement would be a violation of the constitutional mandate to Congress that "there shall be one Supreme Court," and that it would be quite as productive of dissatisfaction among unsuccessful litigants denied access to the full court as a system which made judgments of an intermediate

appellate tribunal final. The minority of the committee included E. J. Phelps and William M. Evarts. They expressed the confident opinion that the constitutional objection to the division of the Supreme Court into parts for all hearings but those in constitutional cases had no weight. They argued strenuously that to entrust to nine different Courts of Appeal final decisions in all cases involving less than \$10,000 was to make the Supreme Court the court for corporations and the wealthy, and the Appellate Courts the last resort of the poor man, and was to deny to the latter the benefit of the ability, legal learning and absence of local prejudice which so distinguished the Supreme Court. They expressed grave doubt whether the ability and learning and professional standing of those circuit judges who would sit constantly as members of the Courts of Appeals would be such as to command the greatest respect, and felt much apprehension lest such local Courts of Appeal might be swayed by local prejudice in a manner which it was the very object of the founders of the Constitution in providing for a Federal judicial system to avoid. The minority seemed also to be much impressed with the additional expense involved in the appointment of eighteen new circuit judges required by the Davis bill as a serious objection to its enactment. The association adopted the majority report by a vote of thirty-nine to twenty-seven, and from 1883 until 1891, when the Court of Appeals act was passed, had a standing committee charged with the duty of bringing before each Congress the necessity for the passage of the Davis bill or a similar measure. In 1885, Howell E. Jackson, then a senator in Congress from Tennessee, introduced a bill for the amendment of the Federal judicial system which, actual experience has demonstrated, was in its main features the best solution of the difficulties present in the system as it then existed. It provided for the appointment of two additional circuit judges in each circuit, established a Court of Appeals, to consist of the three circuit judges, and abolished the Circuit Courts, transferring all their jurisdiction and pending business to the existing District Courts. It limited the reviewing power of the Supreme Court as much as did the Davis bill. Before the bill could be passed, its author was appointed to be the United States circuit judge for the Sixth Circuit. In 1887 Congress passed a judiciary act which did not change the judicial system, but which very much cut down the business of the Federal courts by increasing from \$500 to \$2,000 the minimum limit of the amount which must be involved in a controversy before it can become subject to the Federal judicial jurisdiction. The real necessity for such a change was not apparent, and as no case could be taken to the Supreme Court unless it involved \$5,000, the aid which the change afforded to that court was not perceptible. It only cut off from the inferior Federal courts jurisdiction of cases which could not under existing laws be carried to the Supreme Court in any event. The Congress which met for the first time in December, 1889, took up the judiciary problem in earnest, and during the session of 1889-90 the House of Representatives passed what is called the Rogers bill. It was introduced by Mr. Rogers of Arkansas, a Democratic member of the Judiciary Commit-

tee. Mr. Ezra Taylor of Ohio, the chairman of the Judiciary Committee, was understood to have assisted the gentleman whose name the bill bore, in its preparation. The bill was framed on very much the same lines as the Jackson bill. It established the intermediate Appellate Court in each circuit, to consist of the existing circuit judge and two other circuit judges to be appointed; it abolished the existing Circuit Courts and transferred their jurisdiction and pending business to the District Courts. It provided for a review of every case in the new District Court by the new Court of Appeal. It made the decision of the Courts of Appeal, final in all cases jurisdiction of which depended on diversity of citizenship, in all patent and admiralty cases and in revenue and criminal cases. It provided for a direct review by the Supreme Court of all cases involving the construction of the Constitution and treaties of the United States and in all questions of the jurisdiction of the District Court. It contained an important provision transferring all the business of the Supreme Court then undisposed of, and which by this act came within the final jurisdiction of the Courts of Appeal, to the docket of the latter courts. When the bill reached the Senate, it was referred to the Judiciary Committee, at the head of which was Mr. Edmunds, who was not very friendly to the general plan and much preferred a division of the Supreme Court into parts. Mr. Evarts was also a member of the Judiciary Committee and to a sub-committee of which he was chairman was referred the House bill for consideration. It will be remembered that Mr. Evarts had signed the minority report of the special committee of the American Bar Association which opposed intermediate Courts of Appeal and favored a division of the Supreme Court. The substitute for the House bill which Mr. Evarts reported from the Judiciary Committee to the Senate, however, did not depart from the general plan of the House bill, but the changes which it made were all for the worse, as the sequel has shown. It provided for only one additional circuit judge in each circuit, instead of two, and it made the Court of Appeals to consist of the circuit justice and the two circuit judges, and in the absence or disability of either a district judge was to be designated to sit. It did not transfer the heavy Supreme Court docket of nearly 1,400 cases to the Courts of Appeal, but left that to be removed by the Supreme Court, so that an interval of seven years was required to elapse before the condition of business in the Supreme Court should be as the bill intended it to be.

This latter change has continued the burden upon the Supreme Court, so that the justices have been unable to give more than a few days in each year to the business of the Courts of Appeals, and has made it necessary to call into those courts different district judges, and to change the personnel of those courts at every session. By another change the absurdity of a Circuit Court and a District Court with distinct organizations in each district has been maintained. By an amendment in the Senate the direct appellate jurisdiction of the Supreme Court was extended to every criminal case involving a possible imprisonment for more than a year, and thus the Supreme Court has come to be a court of crown cases reserved. Action in the Senate upon the Evarts bill

was so long delayed that it became manifest after it passed the Senate and went into conference that unless the House took the bill exactly as it passed the Senate, the bill must fail. But for such an unfortunate condition of affairs the House would certainly have succeeded in modifying some of what may be called the uselessly conservative changes in the bill. As it was, the vote by which the bill passed the House came very near disclosing the lack of a quorum. The Democratic party in the House attempted by filibustering to defeat the bill, but there were enough members of that party, including Mr. Rogers of Arkansas, and Judge Culberson of Texas, to rise above petty party considerations to vote on the question and for a bill, the public necessity for which was a crying one. President Harrison recognized the fact that the bill owed its passage to Democratic support by making two of the nine appointments made necessary by the act from the Democratic party. This is the first instance in the history of the country of a President's crossing party lines to make his judicial appointments.

It was not the last; for the same president appointed Judge Jackson to the Supreme Bench. It is to be hoped that his example may often be followed.

It is not too much to say that most of the changes from the Rogers bill contained in the Evarts bill were the result of that conservative spirit seen so frequently in English reforms, which finds great comfort in maintaining the old forms while the substance is entirely changed. The admission contained in the bill that the Supreme Court needed relief, and the postponement of it for six years by refusing to transfer the congested docket to the Courts of Appeals, was a grudging mode of conferring a benefit and enacting a reform of which many counterparts can be found in English history. The only reason that ever could have been given for the separate maintenance of the Circuit and District Courts established by the Judiciary act of 1789, was that it was necessary to have an intermediate court to review cases within the exclusive jurisdiction of the District Court, and yet by the Evarts bill all appellate jurisdiction of the Circuit Court was abolished. The clumsiness and the expense of having two such courts with separate court organizations would seem plain enough to any one, while not a single advantage of such a system can be suggested. The reluctance of the Senate, while establishing a new court, to provide judges enough for it, is an instance of that penny wise and pound foolish policy that is sometimes also called conservative. Changes which experience shows to be necessary are being gradually made in the act, and each amendment tends toward the original plan of the Rogers bill. In each of four of the circuits, the 2nd, 7th, 8th and 9th, there are now three circuit judges who hold the Court of Appeals. Bills to increase the number in the other circuits have been recommended by the President and the attorney-general, and have passed the Senate. It is reasonably certain that in the next decade there will be three circuit judges in each circuit to hold the Court of Appeals, as there ought to be. Bills have been introduced to abolish the Circuit Courts and to give all their jurisdiction to the District Courts, and if the views of the present chairman of the Senate Judiciary Committee, Senator Hoar, are any indication,

such a bill is likely to pass. Another provision of the Court of Appeals act which interfered with the main object of the act, to wit, the furnishing of a quick and inexpensive review of cases from the Circuit and District Courts, was that which required the costs in the Courts of Appeals to be the same as those of the Supreme Court. The costs of the latter court were fixed by the court itself at a time when the court was naturally anxious to discourage the increase of business, and were quite heavy.

An act has been recently passed which enables Courts of Appeals to fix their own costs at not exceeding the Supreme Court costs. This will much reduce the expense of the litigant in the Courts of Appeals. The clause of the Court of Appeals act which made the Supreme Court a court of criminal appeals has now been amended so that only capital cases go to that court, and the great body of criminal appeals will now go to the Court of Appeals, where they can be quickly disposed of.

The main object of a great tribunal of last resort like that of the Supreme Court of the United States is not to give every litigant a chance to have his cause reheard before it. It is to declare in an authoritative way what the law is in cases of a number, variety and importance sufficiently great to cover in a general way the whole field of Federal and general jurisprudence. The individual litigant is quite sufficiently provided for when he has the absolute right to have two impartial courts pass on his case, one in the first instance and the other by way of review. It follows that the only motive the law-maker should have in defining cases which may be appealed to the Supreme Court should be a desire to secure a decision by that court of cases the judgments in which are likely to add something either to the science of jurisprudence and public law or to the certainty in the construction of our Constitution. With the exception of that for appeals in criminal cases, the provisions of the Court of Appeals act in dividing the appellate jurisdiction between the Supreme Court and the Courts of Appeals are admirably adapted to make the Courts of Appeals the courts where reviews are given to prevent individual hardships from judicial errors, and the Supreme Court the tribunal for declaring the law and keeping it uniform for the benefit of the Nation and all the people. There is no money limit to the jurisdiction of the Supreme Court except in a single unimportant instance. It has absolute jurisdiction in constitutional cases, which all will concede should be considered by it, and in cases of jurisdiction which, because they mark the line between the Federal and State judicial power, should certainly be committed ultimately to the decision of the supreme tribunal of the Nation. Cases involving the construction of treaties are of such public moment that no doubt can exist of the wisdom of committing them to the decision of the Supreme Court in every instance. In substantially all other cases of Federal jurisdiction, the Supreme Court may get jurisdiction in one of two ways; first, by certificate of the Court of Appeals, second, by certiorari by the Supreme Court. In this way every case which is so important and so doubtful that the Court of Appeals finds it difficult to reach a satisfactory conclusion, and every case which the Court of Appeals does not find doubtful but

the Supreme Court regards as belonging to that class of cases in which it would be well to settle the law more clearly, will reach the Supreme Court, and that court will remain, as it has always been, one of the world's great authorities on commercial and general jurisprudence. By these features, the most serious objection to giving Courts of Appeal final jurisdiction in all cases save those involving jurisdiction, the Constitution and foreign treaties, is removed. It is a favorite argument of those who urge that there should be a review by the Supreme Court of all felony cases that one ought to have the same right to carry to the highest court questions involving his life and liberty as those involving money or property. The answer to this, so far as it concerns the present Courts of Appeals act, is that the act gives no opportunity as of right to carry questions concerning money or property to the Supreme Court, except as the Appellate Court or the Supreme Court may deem them unsettled and of general public importance, and the same thing is true of those criminal cases of which the Court of Appeals has final jurisdiction. On the other hand, before the recent amendment every felony case could be carried as of right to the Supreme Court, and now under the act as amended every capital case can be. Such a provision is imposing a burden on the Supreme Court merely for the purpose of giving another chance to the defeated defendant, and not to subserve the proper purpose of such a court to declare authoritatively what the law is on questions of general importance. Because the life or liberty of one charged with crime may be at stake in a cause, it by no means follows that questions upon which the correctness of the trial court's ruling turns are either doubtful or of general importance. One jury trial and one review before three judges of experience and impartiality are all that any practical and useful code of criminal procedure should allow. The opportunities afforded, by over-nice and over-technical judges and by emotionally weak legislatures, to hardened criminals to delay the execution of the law upon their crimes have brought the administration of the criminal law in this country into just reproach and should be eliminated as far as possible from Federal legislation.

So hasty were the final steps in making the Evarts bill a law, and so necessary did it become not to risk defeat by the delay of amendment, that as it was passed on the 3rd of March, 1891, it provided for the organization of the new Courts of Appeal in the preceding January. It was necessary to avoid several mistakes of this character by a joint resolution, which fixed the 1st day of July, 1891, as the day for the organization of the court and the day after which appeals and writs of error from the Circuit and District Courts should be taken to the Courts of Appeal under the act. In spite of the defects in it, the Court of Appeals act has worked well. The Supreme Court has been much relieved. The docket of that court is becoming less burdened each year, and it is already certain that in less than two years, the cases docketed each year will not be too many for the court to dispose of in the same year. Nor is there any ground for fear that the Supreme Court will run out of work, or that it will lose its importance as the highest tribunal for declaring what the law is in all its branches. The judicious use of the writ of

certiorari, as already explained, will prevent this. Of course litigants and lawyers defeated in the Courts of Appeal are prone to complain of the deficiencies of the Courts of Appeal, and continue to storm the Supreme Court with their grievances rehearsed in motions for certiorari, but that court, following truly the spirit of those who framed and passed the Court of Appeals act, has refused to hearken to such complaints except in cases in which the principles involved are such that it will serve the public interest to have them stated and expounded by the tribunal of highest authority. In most of the circuits it has become possible, provided counsel wish it and take steps to secure such a result, to have a cause begun in the court of first instance and concluded by a judgment in the Court of Appeals, all in the period of one year. Greater expedition than this in the settlement of important controversies is hardly consistent with careful preparation by counsel and due consideration of the interests involved by the courts. It may be said confidently that the system inaugurated by the Court of Appeals act is the only satisfactory solution of the difficulties which had become so formidable before its passage.

And now as to the Circuit Court of Appeals for the Sixth Circuit, which it is the especial object of this article to discuss. The Sixth Circuit embraces the four great States of Michigan, Ohio, Kentucky and Tennessee. It reaches from Lake Superior to Lookout Mountain and embraces within its jurisdiction nearly all the differing types of American manhood. Its population is great, and its commercial, farming, manufacturing and mining interests are enormous. Though rich in itself, much of the wealth of the Eastern States is invested within its borders, and this circumstance leads to litigation of great magnitude in its Federal courts by reason of their jurisdiction over controversies between citizens of different States. With its extensive shore line on four of the great lakes, the maritime interests within its jurisdiction are very heavy and the admiralty business of its courts is second in importance only to that of the Second or New York Circuit. The manufacturing done in Ohio and Michigan leads to much patent litigation in those States, while the large production of whisky, legal and illicit, and the immense growth and manufacture of tobacco in Kentucky and Tennessee, bring many Federal revenue cases, civil and criminal, into the Federal tribunals of those States. As all cases in the Federal courts of first instance may be reviewed in the Circuit Court of Appeals, it is easy to see why it is that the docket of that court for the Sixth Circuit is considerably heavier than that of any other circuit except the Second or New York Circuit, and the Eighth or St. Louis Circuit.

The Circuit Court of Appeals for the Sixth Circuit was organized at Cincinnati on July 1, 1891, in accordance with law. The judges in attendance were Mr. Justice Henry B. Brown, of the Supreme Court, Circuit Judge Jackson, and Judge Sage, district judge for the Southern District of Ohio. Walter S. Harsha, of Detroit, was appointed clerk and Thomas Claiborne, of Tennessee, was appointed marshal of the court. In October, 1891, the court, similarly constituted, met and heard some five cases. In January, 1892, in the necessary absence of Mr. Justice Brown, Judge Swan, the district judge for

the Eastern District of Michigan, was called in and the court was then made up of Judges Jackson, Sage and Swan. In March, 1892, President Harrison's appointments to the new circuit judgeships were confirmed, and William H. Taft, resigning his office as solicitor-general of the United States, became the additional and junior circuit judge for the Sixth Circuit. The Court of Appeals met in June, 1892, with Mr. Justice Brown presiding and Judges Jackson and Taft in attendance. Thereafter, the sessions of the court, because of the increase of business, were lengthened so much that the circuit justice was able to be present at comparatively few of the sittings, and the permanent court came to be made up of the two circuit judges and such one of the seven district judges of the circuit as could absent himself from the court work of his own district.

By designation, Judge Ricks of the Northern District of Ohio, and Judge Key of the Middle and Eastern District of Tennessee, have sat as members of the court for one session and in emergencies. In March, 1893, Judge Jackson was appointed and confirmed a justice of the Supreme Court, and Judge Horace H. Lurton, till then Chief Justice of the Supreme Court of Tennessee, was appointed by President Cleveland to succeed him. Since Judge Lurton's appointment, it has been the custom to designate a district judge for a year to sit in the Court of Appeals. Under such a designation, Judge Severens of the Western District of Michigan sat for one year, Judge Hammond of the Western District of Tennessee for another, Judge Sage for a third year, and Judge Clark, the successor of Judge Key, is about beginning a year's work in the court. Judge Severens has done much more work in the Court of Appeals than any other judge except the circuit judges, by reason of having supplied the place of other judges disqualified. After Justice Jackson was upon the Supreme Bench for a year he was assigned to the Sixth Circuit, and Mr. Justice Brown went to the Second Circuit, but owing to his bad health, Mr. Justice Jackson never presided as circuit justice in the Circuit Court of Appeals for the Sixth Circuit, save in one case heard at Nashville. Upon his death in the summer of 1896, Mr. Justice Harlan was assigned to the Sixth Circuit, and still is the circuit justice and presiding officer of the Court of Appeals of that circuit. The dependence of the Court of Appeals upon justices and judges owing their first allegiance to other courts has much interfered with the smooth working of the system. No court can preserve a satisfactory uniformity in its decisions when its personnel is constantly changing, and while the two circuit judges are present in nine-tenths of the cases heard, the variation in one-third of the court is a detriment. More than this, the circuit judges can not fairly invite a district judge to aid them in the Court of Appeals without rendering assistance to him in his circuit court work, and each of them is thus obliged to devote to circuit work time really owing to cases on appeal. Several earnest efforts have been made to secure legislation providing a third circuit judge in this circuit, and though they have thus far failed, there is good reason to believe that this relief will be given at an early day.

The court meets at Cincinnati, where it has a very fine court room and commodious quarters for its judges. Its law library is larger and more conveniently housed than that of any other Circuit Court of Appeals. For one year the court held one of its three sessions in each State of the circuit, merely to acquaint the Bar of each State with the court, but its home is and is always likely to be in Cincinnati.

The court, in its five years of active business, has had before it many cases of great pecuniary magnitude and its members have had to devote much labor to keeping its docket clear. The official reporter has published six volumes of the court's decisions down to July, 1896, and there is material enough for another volume in the decisions rendered between that date and October 1, 1897. The six volumes are the 6th, 16th, 22nd, 31st, 37th and 43rd of the United States Appeals Reports.

Of the standing of the court among its brother Courts of Appeals, and with the Bar of the circuit and the country, it is too soon to speak. It takes much longer than a decade before the calm and unbiased judgment of a court's virtues and shortcomings can be had. Of the professional fitness and the personal characteristics of its individual members now living, the writer of this article cannot with propriety say anything.

The court and the country suffered a great loss in the death of Mr. Justice Jackson. He was a great judge, and as a man and a colleague was one with whom intimate association was most delightful. He took much pleasure in the working out of the new system which he had foreshadowed so clearly in the bill he had introduced in the Senate when he represented Tennessee in that body. It is not too much to say that his reputation as a jurist gave the Sixth Circuit Court of Appeals a standing at the outset, because it was known that as senior circuit judge he would be a permanent member of the court.

One effect of the establishment of the Circuit Court of Appeals has been to form a Bar of the Sixth Circuit. While its members have thus far taken united action only on funeral and festal occasions, the *esprit du corps* there manifested indicates that should need arise, the Sixth Circuit Bar can be relied on to throw a powerful professional influence in favor of legal reform. In high tone, in legal learning, in forceful argument, in brilliancy of forensic oratory, in real aid to the court, this Bar is second to none in the country.

OHIO IN THE FEDERAL COURTS.

THE UNITED STATES SUPREME COURT.

The Supreme Court of the United States, organized in 1789 under the Constitution of 1787, has always maintained a high standard of respectability. Originally the court was composed of six justices, but in 1863 Congress made provision for an additional member to meet the exigencies on the Pacific coast, which had been populated by Americans after the war with Mexico and the extraordinary gold discoveries. Land titles were complicated by Spanish and Mexican grants, the rights of settlers and the claims of miners. It was deemed expedient to have a member of the court familiar with these complications, and accordingly Stephen J. Field, who had been Chief Justice of the Supreme Court of California, was appointed. It is worthy of record here that his resignation was tendered in April, 1897, to take effect December 1st, and his period of service has been longer than that of any other justice. In 1869 two additional members of the Supreme Court were provided for and appointed in order to secure an opinion of a majority of the judges affirming the constitutionality of the Legal Tender Act. During the one hundred and eight years of its existence the court has had but eight Chief Justices and fifty-one Associate Justices chosen from twenty-one States. Ohio enjoys the unique distinction of being twice honored by the selection of her eminent jurists to fill the office of Chief Justice. A brief general reference is appropriate in this connection. During the eight years of his administration Washington appointed three Chief Justices—John Jay, of New York, in 1789; John Rutledge, of South Carolina, in 1795; Oliver Ellsworth, of Connecticut, in 1796. John Adams appointed one—John Marshall, of Virginia, who served thirty-four years and achieved imperishable fame. Andrew Jackson appointed Roger Brooke Taney, of Maryland, who, although a good lawyer and a great jurist, is known chiefly in history for his extra-judicial opinion in the case of Dred Scott. Justice Taney served twenty-eight years. Lincoln appointed Salmon Portland Chase, of Ohio; and Grant appointed Morrison R. Waite, of Ohio; Cleveland appointed Melville W. Fuller, of Illinois. The State of Ohio has had representation on the Bench of the Supreme Court eighty-two years. No other State has a record equal to this except New York, which has already had a representation in the court for eighty-five years, with Justice Peck still on the Bench. Massachusetts has had a member of the court for seventy-eight years, with Justice Gray still serving. Pennsylvania has had representation sixty-three years, and Justice Shiras now in service. Twenty-nine Justices of the Supreme Court have died in office and fourteen have resigned. Ohio has had

three Associate Justices of the Supreme Court, besides Edwin M. Stanton, who was nominated by President Grant and confirmed by the Senate, but died before taking his seat on the Bench. When it is remembered that Ohio became a State of the Union thirteen years after the Supreme Court of the United States was established, her relative share in the honors of that tribunal is the more remarkable. It certainly is a high compliment to the ability and character of her jurists.

JOHN McLEAN was the first Ohio representative on the Bench of the Supreme Court of the United States, and he brought to the position great ability, broad learning and varied experience. He was a native of New Jersey, born in Morris county, March 1, 1785. He was really born into poverty, and the inhospitable conditions of his environment gave no promise of future greatness. His father, a poor, hard-working farmer, who was not anchored to any particular locality, changed his residence three times before the boy was a dozen years old. First, the family removed to Virginia, thence to Kentucky and thence to Ohio. Near the close of the century they settled, with some assurance of permanence, on the rich lands of Warren county, where John became familiar with toil and by the fire-light read such books as he could borrow. He was ambitious and resolute. His expanding mind refused to be satisfied with the rewards of the work of his hands. He craved better opportunities for mental growth than the frontier farm afforded and was permitted to leave the home of his parents in 1803, to seek his own fortune. Prior to that time he had the advantage of two years' study under a private tutor, paying his own expenses meanwhile by such work as he could find. At the age of eighteen he located in Cincinnati and found employment as copyist and writer in the office of the clerk of the court. He took up the study of the law meanwhile, improving all of his time in reading which was not employed at clerical work. His preceptor was Arthur St. Clair, son of the governor of Northwest Territory. He also availed himself of the Lyceum, in which he acquired the art of ready speaking and became strong in controversial discussion. His qualifications for practice were unusual for a young man of twenty-two, upon his admission to the Bar in 1807. His sholarship, obtained by the hardest, most patient work, was classical; his mind was strong and flexible; he was independent as to habits of thought and original as to method. His success was almost immediate and his growth rapid. Within five years he had gained a reputation at the Bar amongst the foremost practitioners of Ohio, and then his public career opened. He was elected to Congress as a Democrat in October, 1812, and re-elected in 1814. He had no opposition in the second race and enjoyed the unique compliment of receiving the vote of every elector in the district who voted on that day. For one so young he exercised great influence as a member of the House and served on the most important committees. He introduced and secured the passage of a bill providing for the payment of private citizens for property seized and appropriated to the public service. He had the courage to decline a candidacy for the United States Senate in 1815, when the election was reasonably assured. In 1816 he was

elected judge of the Supreme Court of Ohio, and served six years. In 1823 he was appointed commissioner of the land office by President Monroe, and discharged the duties with such efficiency and intelligence as to hold the position during the Whig administration of John Quincy Adams. Although a strong Democrat, he did not endorse the views of Andrew Jackson regarding public office as the "spoils" of partisan victors, and declined to accept at the hands of Jackson both the war and naval portfolios which were tendered him. In the same year, however, (1829) he was nominated for associate justice of the United States Supreme Court, and the nomination was promptly confirmed by the Senate. His service on the Supreme Bench continued until his death, December 4, 1861, and he exhibited admirable judicial qualities. Among the noteworthy opinions which he wrote was the one in which he dissented from the views expressed by Chief Justice Taney in the historic Dred Scott case. Judge McLean, always benevolent in disposition and charitable in views and action, had become a Free-soiler in 1848, and joined the Republican party upon its organization in 1856. He was a man of strong character, inflexible will, and therefore opinionated. When his opinion was formed and the judgment expressed, it was unalterable. It is proper to add, he was conscientious and thorough. He won the regard of all who came into contact with him by the very nobility of his presence, the benignant expression of his countenance and the graciousness of his manners. On the Bench he was the incarnation of dignity, wisdom and erudition. He left one son, Nathaniel C. McLean, a successful lawyer and colonel of the Seventy-fifth Ohio Regiment in the war of the Rebellion.

NOAH HAYNES SWAYNE was one of the most distinguished jurists that Ohio has given to the nation. He was born in Culpepper county, Virginia, December 7, 1804, the youngest of five sons of Joshua Swayne, a prosperous and influential farmer, and a member of the Society of Friends. The family were Pennsylvanians, Francis Swayne, the earliest American progenitor, having come over with William Penn, and settled on a farm near Philadelphia, which is still in the possession of his descendants. Joshua Swayne died in 1808, having, some two years previously, removed to Jefferson county, Virginia, and his widow, a woman of remarkable vigor of mind and excellence of character, carefully conducted the training and education of her sons. After being kept at school in the neighborhood until he was thirteen years old, Noah was sent to the academy of Jacob Mendenhall, at Waterford, in Loudon county, then in high repute with the Society of Friends. Two years afterwards he was placed with Dr. George A. Thornton, a prominent physician at Alexandria, Virginia, who conducted the business of an apothecary in connection with his practice. It was intended that the studies begun here should be continued in a Philadelphia hospital, but the death of Dr. Thornton caused a change of plan, and fixed the mind of the student on the study of law as that of his choice. A collegiate education being regarded necessary in view of this change, he attended school at Alexandria, where he pursued his studies with great earnestness until thoroughly prepared for college, when his

guardian found himself without the funds to send the boy through a four years' course. Ambitious and undaunted, Noah decided to enter at once the law office of Scott & Brooks at Warrenton, finding there, as a fellow student, Henry S. Foote, afterward governor of and senator from Mississippi. Admitted to the Bar in 1823, the non-slaveholding example of his father corresponding with his own views on the subject, he resolved to remove immediately to Ohio. The entire journey, as was the fashion of those days, was travelled on horseback. After passing at Zanesville the year of preliminary residence, at that time required by law before an attorney from another State could engage in practice, he opened an office in 1825 at Coshocton. His success was sudden, and during the year he was elected prosecuting attorney for the county, and held the office until elected to the legislature in 1829. In 1830 he was appointed United States attorney for the district of Ohio, and removed to Columbus, where the United States Courts for the State were then held. He declined later the office of presiding Common Pleas judge for the circuit, an office to which two years later he was elected by the legislature. In 1832 he married at Harper's Ferry, Virginia, Miss Sarah Ann Wager of that place, and became by this marriage the owner of a number of slaves, who, by the joint act of himself and wife, were immediately manumitted. The years following until his elevation to the Supreme Bench, were devoted to his practice, and, after holding the office of district attorney nine years, he resigned. In 1837, with Alfred Kelly and Gustavus Swan as his associates, he was appointed by the legislature a commissioner to take charge of the State debt. Those commissioners faithfully applied themselves to their difficult task, and in three years restored the State credit and supplied the funds to complete the public works. Having in the most economical manner completed the work assigned, they resigned, after refusing to accept any compensation for their services. The controversy on the subject of the southern boundary of Michigan having occasioned much public excitement, Judge Swayne, with David T. Disney and William Allen, were sent by the governor of Ohio to Washington, and effected there a peaceful solution of the controversy. In 1840, Judge Swayne, Dr. William M. Awt and Dr. James Hoge were by the legislature appointed to ascertain and report the number of blind persons in the State, preparatory to erecting asylums for them. Their labors resulted in the establishment of the admirable asylum of Ohio for the blind, and also the asylums in Columbus for the deaf and dumb, and for lunatics and imbeciles. Noah Swayne was the confidant and assistant of Governor William Dennison and ably aided the governor in his preparation of levies of troops for the field. A complete change took place in the political opinion of Mr. Swayne in view of the war of secession, and he identified himself then and subsequently with the supporters of the Federal government. One of the law cases in which Judge Swayne achieved great celebrity was the trial of William Kissane and others in the United States Circuit Court, in 1853, for burning the steamboat Martha Washington to obtain the insurance. His opposing counsel in the case was Henry Stanbery, afterwards attorney-general of the United States.

Among other distinguished lawyers engaged in the case were Judge Walker and Messrs. Ewing, Pugh and Pendleton. In 1839 Judge Swayne formed a partnership with James L. Bates, of Columbus, which continued until 1852. In 1853 Llewellyn Baber, a relation of Judge Swayne, succeeded Mr. Bates in the partnership. This partnership was dissolved April 1, 1860. In May, 1859, Judge Swayne appeared as co-counsel with Mr. Belden, United States district attorney in the famous fugitive slave cases, being pitted against Attorney-General Wolcott. The Sixth Circuit of the Supreme Court of the United States, comprising at that time Ohio, Indiana, Michigan and Illinois, was presided over by the venerable Judge McLean, between whom and Judge Swayne a warm personal friendship had existed for many years, and the wish the former had often expressed that he might be succeeded by Judge Swayne was well known to leading members of the Bar within the circuit. The appearance of Judge Swayne before the Supreme Court at Washington about this time probably induced members of that court to favor the appointment, and, on the unexpected death of Judge McLean, Judge Swayne was appointed by President Lincoln in February, 1862, a justice of the United States Supreme Court, and he was unanimously confirmed by the Senate with expressions of general approval. He held the position of associate justice until 1881, when he was obliged, on account of advanced age, to resign. He died in New York City on June 8, 1884, at the age of eighty. The degree of LL. D. was conferred on him by Yale, Dartmouth and Marietta colleges. Judge Swayne had nine children; four sons—General Wager Swayne, Henry Foote Swayne, Noah and Frank Swayne; five daughters—Catherine, Rebecca, Virginia, Sallie and Mrs. Edward Parsons. The four daughters first named died in childhood and were buried in Green Lawn Cemetery, Columbus, Ohio.

SALMON PORTLAND CHASE was appointed Chief Justice by President Lincoln in 1864, to succeed the venerable Justice Taney. Judge Chase stood a giant among men—physically, mentally, morally. He sprang from a union of English Puritans with Scotch Covenanters, and inherited the firmness and fortitude, the character and constancy which belonged to those sturdy religionists. He was born at Cornish, New Hampshire, January 13, 1808, eighth of the eleven children of Ithamer Chase and Janette Ralston. His father, a farmer of very moderate means, who died too early to have any part in his rearing or education, belonged to a family of much prominence and distinction. One brother, Dudley Chase, was a senator of the United States for New Hampshire; another, Philander Chase, was a distinguished bishop of the Protestant Episcopal Church. Salmon was a very industrious youth, working hard in season, during the day, and studying at times when boys more favored of fortune slept. He became the protege of his uncle Philander, whom he accompanied to the West, when that dignitary was appointed Bishop of the Diocese of Ohio. At Worthington he continued to work and at the same time continued his studies under safe and wise direction. When the uncle went to Cincinnati as president of the college Salmon went with him, entered the college and pursued its course of study one year. He then returned East, entered

the Junior class at Dartmouth, completed the course and was graduated in 1826. He paid his expenses by tutoring and work outside. On leaving college, when little more than eighteen years of age, he went to Washington, D. C., where he engaged for a while in teaching a classical school. This was not an unqualified success, except for the extremely fortunate circumstance of having for his pupils the sons of some very distinguished Americans, among whom were Henry Clay and William Wirt. The latter, famous both as an orator and a lawyer, conceived a fancy for young Chase and induced him to take up the study of law. For three years he studied under the direction of Mr. Wirt, and then, in 1829, located in Cincinnati for practice. During the first years his time was not fully occupied with law business and he wisely employed his leisure in compiling a new edition of the Ohio Statutes, including the territorial enactments. This work completed bore such evidence of painstaking, such discriminating judgment and thorough knowledge of legal principles, as to give the young lawyer a definite standing in the profession and attract to him desirable clients. The historical introduction to "Chase's Statutes" arrested attention by its accuracy of statement and pure literary style. Thenceforward he was a busy man and a successful lawyer. All of the powers of his great mind were concentrated and devoted to acquiring a deep and thorough knowledge of the principles of the law; and to the application of those principles, as well as statutes, in the trial of causes. He won his way to the forefront by the time he was forty years of age. One or two cases tried in the early years of his practice contributed much to his fame, evidencing as they did his independence and his disposition to antagonize slavery, no less than his original views of the constitutional rights and limitations of the system. A slave woman known as Matilda, brought to Cincinnati by her master, refused to return to bondage; and Salmon P. Chase, then a very young practitioner, conducted her suit for freedom. He contended that slavery, being naturally wrong and repugnant to the common law, could only be maintained by special enactment, and slaveholders had no right to retain possession or control of their slaves in a free State. He was also counsel of James G. Birney, abolitionist publisher, in the prosecution of a mob that destroyed his presses and type in Cincinnati. His convictions on the subject of slavery were deep and firm enough to influence his political action. He was a democrat in a broad sense and acted with the Democratic party during the early part of his political career; although he was a leader in every convention and popular movement to restrict slavery. In 1849, by a fusion of the Free-soilers and Democrats in the legislature, he was elected to the United States Senate, and soon became conspicuous as a member of that body for his powerful opposition to the compromise measures of 1850, which gave birth to the Fugitive Slave Law. He broke with the Democratic party in 1852, when the platform of its national convention endorsed that law and denounced any further discussion of slavery as a moral and political question. At the close of his term as senator, in 1855, he was elected governor of Ohio by the anti-administration voters of all parties, and was re-elected in 1857. In this office he displayed rare

executive ability. Foreseeing the issue of civil war, he organized the militia of the State and placed it on a war footing. His name was proposed in the Republican convention of 1860 as a candidate for President, and he received the votes of forty-nine delegates. He was appointed by his gubernatorial successor a member of the Peace Conference held in Washington at the instance of Virginia early in 1861. As one of the ablest and most eminent members of that body, he labored to induce the Southern leaders to trust Mr. Lincoln, and seek redress of their alleged grievances in the Union and under the Constitution. With deep feeling he urged them to halt and ponder the situation. In closing his appeal he said: "On the coming 4th of March Mr. Lincoln will be inaugurated, and take an oath to support and defend the Constitution of the United States—of all the United States, and that oath will bind him to take care that the laws are faithfully executed throughout the United States. Will secession absolve him from that oath? If the President does his duty, and secession or revolution result, what then? Civil war. Let us not plunge madly into that unfathomable gulf." When Mr. Lincoln became President he nominated Mr. Chase for secretary of the treasury, and the Senate promptly confirmed the nomination. Mr. Chase accepted the position, impressed deeply and solemnly with a sense of the responsibility it imposed. The treasury was empty, and the credit of the government was much impaired by the vacillating policy of the last administration. Secretary Chase was, at the threshold of his career as head of the treasury department, confronted by problems not less momentous and perplexing, and certainly much more embarrassing, than those which engaged Alexander Hamilton seventy years earlier. He was obliged to devise and formulate a system of raising revenue on a stupendous scale unprecedented in the history of the country. He must calmly and patiently create a fiscal policy at a time when one-third of the States had formally withdrawn from the Union and menaced the government by rebellion. The credit of the Nation must be restored so that money could be borrowed at reasonable rates of interest, and the chief reliance for loans must be our own people. Theretofore Mr. Chase had not been prominent as a financier. No situation in his life had called into action talents distinctively financial; but now he rose grandly to the occasion, and his genius created a system of finance sufficiently elastic to meet the exigencies and enormous requirements of the civil war and the moderate demands of a condition of peace. He entertained some doubt as to the constitutional power of the government to issue its treasury notes except as a war measure, and his doubt was shared by half the judges of the Supreme Court. A majority of that tribunal, however, after two justices had been added, settled the question by an affirmative decision. His greatest achievement for posterity was the substitution of National for State banks. Mr. Chase was ambitious. He desired the Presidency of the United States. Many of his intimate friends urged his candidacy in 1864, while a large majority of the party favored the renomination of Mr. Lincoln. In June, 1864, Mr. Chase resigned from the Cabinet, and in November of the same year President Lincoln appointed him Chief Justice of the United States Supreme Court. He

was an ideal Chief Justice, possessing in the highest degree the talents and attributes which enabled him to honor the position. He was a superb specimen of physical manhood; his frame was large, his carriage erect and stately; his head magnificent in its proportions and poise; his features were regular and refined, and his air altogether distinguished. Few Americans have been permitted to round out a career of equal greatness and usefulness. Mr. Chase was married three times. His first wife died in 1835, after one year of married life; his second lived six years, dying in 1845; his third also lived six years, dying in 1852. His brilliant daughter, for whom his attachment was singularly strong, presided with charming grace in his Washington home while he was Secretary and Chief Justice. Judge Chase was a man of the most refined taste and undoubted purity. He was at all times under perfect self-control. He died in 1873.

MORRISON R. WAITE was appointed Chief Justice in January, 1874, to succeed Justice Chase. He was born in Lyme, Connecticut, November 29, 1816. His father, Henry Matson Waite, was also a native of Lyme, a graduate of Yale College, who practiced law in his native town with large success; filling the offices successively of representative and senator in the State legislature; receiving appointment in 1834 as judge of the Supreme Court of Errors, and later being elected Chief Justice by unanimous vote of the legislature, a position which he held until the age limit of seventy years was reached. Members of the Waite family generally were great men, and men of strong character and upright lives. The mother of Morrison R. Waite was a granddaughter of Colonel Samuel Selden, who commanded a Connecticut regiment in the Revolutionary army; was made prisoner of war in September, 1776, and died the following month. Judge Waite was graduated from Yale in 1837, in a class comprising William M. Evarts, Edwards Pierrepont, Samuel J. Tilden, Benjamin Silliman, and others more or less distinguished. He took up the study of law in his father's office, but in 1838 came west and settled at Maumee, Ohio, where he renewed his studies in the office of Samuel M. Young. He was admitted to the Bar in 1839, and formed a partnership with his preceptor. The practice of that time involved travel on horseback to the different counties of the circuit and the management of all kinds of cases. In 1850 Mr. Waite removed to Toledo, opening a branch office for his firm, and six years later, upon the retirement of his associate from practice, his brother, Richard Waite, became a partner. This association was continued until his appointment as Chief Justice, when his son, E. T. Waite, became the junior partner of his brother. Mr. Waite continued in the practice and was very soon recognized throughout the State as one of the greatest lawyers at the Bar. He never was at any time a politician and yet always had deep convictions upon the important questions which separated parties. He was first a Whig and afterwards a Republican; was elected representative in the State legislature in 1849 and served with special credit. He was a candidate for delegate to the Constitutional convention of 1850, but defeated simply on account of politics. Throughout the war he was the very earnest supporter of Mr. Lincoln's administration,

and was especially in sympathy with his policy of making the preservation of the Union, and not the abolition of slavery, the paramount issue of the war. He was chosen by the Republicans who represented that policy as a candidate for Congress in 1862, but was defeated. In 1863 he declined the position of judge of the Supreme Court of Ohio, tendered by Governor Brough. Although his practice had been within the borders of Ohio almost entirely, his reputation as an able constitutional lawyer had become national; so that in December, 1871, he was appointed by President Grant one of counsel representing the United States in the arbitration at Geneva, where the claim of the government against Great Britain for the depredations committed by the "Alabama" was submitted. Before that tribunal he demonstrated large capacity, entire familiarity with the case and a wide knowledge of international law. There was no more effective presentation of the government's case than the one made by Morrison R. Waite. When the award was finally settled by the board of arbitration he returned to Toledo and resumed his law practice. As evidence of his growth among the people of his own section of the State it is only necessary to mention the fact that he was elected without opposition, in 1873, to the convention called to revise the Constitution of the State, and when that convention assembled in Cincinnati he was chosen president. While serving as presiding officer he was nominated by President Grant for Chief Justice, although he had taken no steps to secure the position and was not aware that his name was seriously considered by the President. Members of the convention over which he presided were greatly pleased with the honor conferred upon him and a resolution was introduced expressing approbation of his nomination. This resolution he very promptly ruled out of order. It is a singular fact that Mr. Waite was admitted to practice in the Supreme Court only one year before his nomination as Chief Justice, and his admission was upon the motion of Caleb Cushing; and Caleb Cushing's name had been sent to the Senate as the successor of Chief Justice Chase, and then withdrawn by the President just before Waite's nomination. Mr. Waite assumed the duties of Chief Justice March 4, 1874, and continued to discharge them with marked ability until his death in 1888. He brought to the position a very large mental capacity, and powers of physical endurance almost unequalled. Naturally strong and well knit as to his organism, he had been trained in early life by hard work and had become thoroughly seasoned by the exercise and toil incident to his early practice. His life had always been free from vicious habits and he was therefore strong, symmetrical and perfect in the development of a powerful physique. His experiences in the rough and tumble contests of the forum had contributed to his qualification for the labor and the acumen necessary to the correct decision of important questions submitted to the highest court. He took up the work courageously, exhibiting always ability, industry and patience in the discharge of his duty. He possessed the dignity of character and of manner which commanded respect. Under his guidance the business of the court was transacted with harmony among the judges, and decisions were reached with as much facility as at any period of the court's history. He wrote many of the deci-

sions himself, and all of them passed the scrutiny of the critics and were accepted without complaint as the law of the land by all parties interested. Judge Waite had a very exalted estimate of the character and responsibilities of the office of Chief Justice of the Supreme Court. He regarded it so reverently as not to lend himself to any movement on the part of his friends to make him a candidate for President. He was not ambitious to be chief executive of the Nation, and as a matter of principle he declined with great positiveness to permit the use of his name in that connection. He averred it was dangerous to have a judge look beyond the judiciary in his personal ambition. In all that pertained to the duties of his office he was sincere, honest, painstaking and capable. His usefulness was the more conspicuous because he was satisfied with the honors conferred and was unselfish throughout his public life. Judge Waite was married September 21, 1840, with Amelia C., daughter of Samuel Selden Warner, of Lyme, Connecticut. Five children were born of this union, of whom Henry Selden died April 10, 1873, leaving a wife and two sons; Christopher C., a railroad official of prominence, died in Columbus in 1896; and one died in infancy. The living are Edward T., lawyer, Toledo, and Mary F., of Washington, D. C.

STANLEY MATTHEWS, for many years a leader of the Bar of Ohio and of the country, was born at Cincinnati, July 21, 1824. His father, Thomas J. Matthews, was a native of Leesburg, Virginia, and subsequently professor of mathematics in Transylvania University in Lexington, Kentucky. He was by vocation a civil engineer, and as such ran the State line between Tennessee and Kentucky, and built the Lexington and Frankfort Railroad. The mother of Stanley was Isabella Brown, a daughter of Colonel William Brown, who came from Connecticut and settled at Columbia in Hamilton county, Ohio, in 1788. Stanley Matthews passed his boyhood in Kentucky, but in 1832 his father was made president of Woodward High School in Cincinnati, and the son entered that institution as a pupil and remained there continuously until 1839, when he entered the Junior class of Kenyon College at Gambier, Ohio, whence he graduated the following year, having displayed especial proficiency in the classics. In the following fall he entered upon the study of the law at Cincinnati. In 1842 he removed to Maury county in Tennessee, where for two years he was a teacher in the Union Seminary, near Spring Hill, conducted by the Rev. John Hudson. In February, 1843, he married Mary, a daughter of James Black, a resident of Maury county. He began the practice of the law at Columbia, and also edited there a weekly political paper called the *Tennessee Democrat*. In 1844 he returned to Cincinnati, and being admitted to the Ohio Bar in 1845, he formed a partnership with Judge Heys and Isaac C. Collins. He became prominent as assistant prosecuting attorney of the county, which appointment was secured for him by the president judge, William B. Caldwell. His reading of Dr. Gamaliel Bailey's anti-slavery daily newspaper, the *Cincinnati Herald*, led to his temporary abandonment of the law, and in November, 1846, he became the editor of that paper and so continued for over a year, until the suspension of its publication. His political position by that time was

of such prominence, that he was elected clerk of the Ohio House of Representatives for the session of 1848-9, at which Salmon P. Chase was elected United States senator. In 1850 he resumed the practice of the law, and in 1851, after the adoption of the new State Constitution, he was elected one of the three judges of the Court of Common Pleas of Hamilton county. He resigned his position January 1, 1853, and formed a partnership with Vachel Worthington, his former law preceptor, under the firm name of Worthington & Matthews. In 1855 he was elected to the Ohio Senate and served his term. In 1858 he was appointed United States attorney for the Southern District of Ohio by President Buchanan. Shortly after the inauguration of President Lincoln he resigned his office, and in June, 1861, was commissioned lieutenant colonel of the Twenty-third Ohio Volunteer Infantry. The colonel of the regiment was W. S. Rosecrans, and the major Rutherford B. Hayes. He served in the West Virginia campaign until October, when he became colonel of the Fifty-first Ohio, and served under General D. C. Buell in the operations of the Army of the Cumberland in Kentucky and Tennessee. He was provost marshal of Nashville until July, 1862, when he was put in command of a brigade. In May, 1863, he was elected judge of the Superior Court of Cincinnati, having for his associates Bellamy Storer and George Hoadly. He resigned this office in July, 1865, and at once took a leading position at the Bar. Although previous to the war Judge Matthews had been a Democrat, his affiliations subsequently to that time had been Republican. In 1872 he was temporary chairman of the Liberal Republican Convention, but refused to support Mr. Greeley, its nominee. In 1876 he was the Republican candidate for Congress, but was defeated by General Henry B. Banning, after a very close vote. In the celebrated contest before the electoral commission Judge Matthews appeared for Rutherford B. Hayes, and his arguments before that tribunal were the admiration of the Bar of the country. Subsequently, when John Sherman resigned his seat in the Senate to accept the treasury portfolio, Stanley Matthews was selected to serve out his unexpired term, being succeeded in 1879 by George H. Pendleton. Upon the retirement of Justice Swaine from the Supreme Bench, President Hayes, and subsequently President Garfield, nominated Stanley Matthews for the vacant position. He was confirmed and received his commission May 12, 1881, and served on the Supreme Bench until the time of his death, March 22, 1889. Shortly after Mr. Justice Matthews removed to Washington he lost his wife. Two sons, one of whom, Mortimer, is a member of the Cincinnati Bar, and three daughters survive this union. In June, 1887, Mr. Justice Matthews was married in Washington to a highly cultured woman. Mr. Justice Matthews stood in the very first rank of Ohio lawyers. His learning was prodigious and his mind was trained to a thorough grasp of every phase of the law. Readiness, accuracy and force distinguished him as a debater and advocate. A man of fine physical presence, great personal dignity and an eminently judicial temperament, he represented the highest type of lawyer and judge.

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UNITED STATES DISTRICT COURT.

In pursuance of an Act of the Congress of the United States of America, begun and held at the city of Washington in the District of Columbia, on Monday the sixth day of December, in the year of our Lord 1802, entitled "An Act to provide for the due execution of the laws of the United States within the State of Ohio," the Honorable Charles Willing Byrd produced a commission from Thomas Jefferson, Esq., President of the United States of America, bearing date the third day of March, 1803, appointing him judge of the District Court of the United States in and for the Ohio District, together with a certificate of his having had the oath prescribed by an Act of Congress to regulate the time and manner of administering certain oaths, and also the oath of a judge of the District Court of the United States for the District of Ohio administered to him by Edward Tiffin, Esq., governor of the State of Ohio. And thereupon a court of the United States for the District of Ohio was held at the court house in the town of Chillicothe on Monday the sixth day of June, in the year of our Lord one thousand eight hundred and three, and of American Independence the twenty-seventh. The said Charles Willing Byrd served as judge until August 11, 1828, when he died. And thereupon William Creighton, Jr., was appointed. The latter assumed his duties November 1, 1828, and held court until December 31st of the same year. His appointment failed for want of confirmation by the Senate and thereupon a vacancy occurred, which was not filled until March. Mr. Creighton had served as secretary of the State of Ohio, having been elected by the General Assembly in 1803.

JOHN W. CAMPBELL was nominated by President Jackson March 7, 1829, and unanimously confirmed by the Senate. He entered upon the discharge of his judicial duties at once and served until his death on the 24th of September, 1833. Judge Campbell was a Virginian by birth and Scotch-Irish by descent and parentage. Near the beginning of the seventeenth century his Scotch ancestors emigrated from Argyleshire and settled near Londonderry in the North of Ireland. In 1740, members of the family first settled in Augusta county, Virginia, where he was born February 23, 1782. His education was carefully supervised by private tutors, two of whom were Presbyterian clergymen. He studied law under the instruction of his uncle, Thomas Wilson, at Morgantown, Virginia, was admitted to the Bar of Ohio in 1808, and began practice at West Union, Adams county. The family had removed into the territory in 1798. By his engaging manners and estimable character, his knowledge of the law and careful attention to business, he was enabled to rise rapidly in his profession. He served as prosecuting attorney for the counties of Adams and Highland, was a member of the legislature, and in 1812 was a candidate for Congress. He was defeated the first time, but was elected in 1816, and re-elected four times, by a vote that was practically unanimous. He

discharged the duties of Congressman faithfully and honestly for ten years, and was ever mindful of the obligation to his constituents arising from the representative character of the office. He was a supporter of Jackson's theory of the supremacy of the national law, and was the opponent of protective tariff. On retiring from Congress he settled on a farm in Brown county in 1827, and was the Democratic candidate for governor in 1828. His canvass was in all respects creditable to him, although it did not end in his election. Defeat at the polls was followed a few months later by his appointment to the office of judge of the United States Court for the District of Ohio. Judge Campbell was a severe student and a man of exemplary habits. He neglected no duty, and found much time by rising at a very early hour in the morning for writing on various topics of popular concern, and for literary study. He was a believer in Christianity and observed its precepts in his daily life. When the scourge of cholera visited Columbus in 1833 no hands were found more willing to relieve want, and no voice brought more solace and cheer to stricken households than the hands and the voice of Judge Campbell. He literally wore his life out in saving others or administering to their relief. Anxiety and exposure and the strain of overwork so reduced his vitality that he was unable to resist the acute attack, which terminated in his death at Delaware Springs, September 24, 1833. Judge Campbell had a clear intellect and a cultivated mind. He discerned points and principles of law and expressed his views with precision. His practical, saving common sense was his unerring monitor.

BENJAMIN TAPPAN was appointed September 24, 1833, by President Jackson to succeed Judge Campbell and held court for three days — December 23, 24 and 25, 1833 — but the Senate refused to confirm him and thereupon a vacancy ensued which was not filled for more than six months. Judge Tappan, a native of Northampton, Massachusetts, had come to Ohio Territory in 1799 at the age of twenty-six and entered upon the practice of law at Steubenville. As a boy he had been apprenticed to a copper-plate engraver in Boston and learned the trade before taking up the study of law. His father was a gold and silversmith by trade and his mother was Sarah Homes, a grandniece of Benjamin Franklin. He belonged to a family of considerable distinction in commercial affairs, church work and philanthropy. He served as a member of the legislature of Ohio and was presiding judge of the Court of Common Pleas for seven years, and senator of the United States four years. He was a good lawyer, somewhat droll in manner, but master of a quick wit and keen sense of humor. He became a Free-soiler, lived to the age of four score and died at Steubenville in 1857.

HUMPHREY H. LEAVITT succeeded Tappan, entering upon the discharge of his judicial duties July 24, 1834. He was born at Suffield, Connecticut, June 18, 1796, and came to Ohio with his parents in 1800, settling at Steubenville after a short stop at Cadiz. After admission to the Bar he served a term as prosecuting attorney, was elected representative and senator in the State legislature, served in Congress from 1830 to 1834 and at the close of his

second term was appointed to the district judgeship. He served thirty-seven years on the Bench of this court and retired by virtue of the constitutional provision regarding the age limit. He was a clear-headed lawyer and a high-minded judge; conscientious in the discharge of a public or a private duty and painstaking to discover his duty with respect to any question presented for investigation or decision. He was exceedingly well versed in laws relating to patents, and some of his decisions in cases of that class have been accepted as the highest authority. He was a firm supporter of the government during the Rebellion, and held that incendiary speech, calculated to excite sedition, at such a time, was not to be justified or tolerated as a right of "free speech." On February 10, 1855, the State was divided into the "Northern District" and the "Southern District" of Ohio, Judge Wilson receiving appointment for the Northern District. From that time until his retirement Judge Leavitt presided in the Southern District. He was a Presbyterian and served as commissioner in the General Assembly of the church eleven times.

HIRAM V. WILSON, the first judge appointed for the United States Court in the Northern District of Ohio, was nominated by President Pierce in March, 1855, soon after the Act of Congress dividing the State became a law by the signature of the President. Judge Wilson had gone to Washington at the instance of the Cleveland Bar to labor for the passage of the bill, and his appointment to the judgeship was acceptable to members of the profession acquainted with his abilities and characteristics as a lawyer. He was a native of Madison county, New York, born in April, 1808; was graduated from Hamilton College in 1832; read law under the instruction of Honorable Jared Wilson of Canandaigua, New York, and Francis Scott Key of Washington, D. C., author of "The Star Spangled Banner." He was energetic, studious and self-reliant, maintaining himself while pursuing his studies by teaching school. Upon coming west in 1833 he stopped in Painesville for a short time, but soon settled in Cleveland, where he formed a partnership with the late Henry B. Payne, a former classmate in college. Both were very poor at the time, with barely the necessaries of life; but they were persistent, plucky, hopeful. In 1844 Edward Wade was received into the firm, changing the name to Payne, Wilson & Wade. Upon the retirement of Mr. Payne in 1846, Reuben Hitchcock succeeded him in the firm of Hitchcock, Wilson & Wade. In 1850 Mr. Hitchcock retired and James Wade was admitted to the firm, which became Wilson, Wade & Wade, and so continued until Judge Wilson's appointment to the Bench. Up to that time he was a lawyer, devoted wholly to the practice, with ever increasing success and ever growing reputation. He had, it is true, prior to his elevation to the Bench, engaged actively in partisan politics, and was the Democratic candidate for Congress in 1852. It was a three-cornered contest—Whig, Democrat and Free-soiler—and his law partner, Edward Wade, was elected as the Free-soil candidate. Upon his elevation to the Bench Judge Wilson abandoned the field of partisan politics forever. He held it was the duty of a judge to keep his mind free from the possibility of bias or prejudice which might be fostered by the too active

support of a party. He was a pure and upright judge, measuring up to the Baconian standard of impartiality. He became exceedingly proficient in admiralty law as applicable to the great chain of lakes and inland navigation generally. Perhaps his opinions set forth at length in deciding important cases of this character are the clearest expositions of the law to be found in the books. Certainly none exhibited a deeper research and none have been more generally accepted as authoritative. The prominent citizens of Oberlin, indicted for the rescue of a fugitive slave from his captors in violation of the Fugitive Slave Law, were tried in his court, and it is said he calmly and dispassionately charged the jury, without a manifestation of partisan zeal or a disposition to be influenced by the demonstration in favor of the prisoners. He was a War Democrat, judicially, holding that any attempt to subvert the government was treasonable; but the right of peaceful assembly and free speech should not be abridged or denied. Judge Wilson was naturally and always courteous, extolling the virtue of urbanity by his own example. His veneration for the profession was profound, and both at the Bar and on the Bench he sought to honor it. He died of consumption November 11, 1866.

CHARLES T. SHERMAN, of Cleveland, son of Judge Charles R. Sherman of the Supreme Court of Ohio, was appointed March 2, 1867, to succeed Judge Wilson, and served until 1873, when he resigned. Martin Welker was thereupon appointed and served until January 16, 1890.

AUGUST J. RICKS, appointed to succeed Judge Welker on the day of the latter's retirement, is a native of Ohio. He was born at Massillon, February 10, 1843, son of Charles Ricks and Regina Marguerite LaPierre. His paternal lineage is German and his father lived in the fatherland (Prussia) until he arrived at man's estate. His grandfather, a man of large wealth, was engaged in the carrying trade when Napoleon's army confiscated his horses and wagons, together with all movable property, in 1813, leaving him poor. Judge Ricks attended the public and high schools of Massillon, and matriculated at Kenyon College in 1861. The martial spirit led him from the college to the army in 1862, with a lieutenant's commission. On account of his youth and inexperience he declined the captaincy of his company, which was tendered. He served during the war, in the campaign of East Tennessee under General Burnside; on the staff of General Milo S. Hascall in the Atlanta campaign; on the staff of General J. D. Cox, with the rank of captain, in North Carolina in 1865. On returning home he took up the study of law in Mansfield, but in a few months went south and resumed his studies in the office of Judge Baxter at Knoxville, Tennessee, until 1870, when Mr. Ricks became editor and proprietor of the *Knoxville Chronicle*, a daily newspaper, of which he retained possession five years. In 1875 he settled in Massillon, forming a law partnership with Judge Anson Pease. Three years later he was appointed clerk of the United States Court for the Northern District of Ohio, and while clerk acted as master in chancery by appointment of Judge Welker. Numerous cases, especially relating to railroads, were referred to him as master, in which his opinions, when reviewed, were almost uniformly sustained by the Supreme

Court. On account of his general ability as a lawyer and his fine powers of analysis and capacity for ascertaining the equities in a case, and his unimpeachable integrity, he was appointed district judge by President Harrison. Judge Ricks has performed his judicial duties with efficiency, except at such times as the state of his health rendered rest or a change of climate indispensable. He spent the winter of 1896-7 in California with some benefit. Judge Ricks is a broad-minded man of unusual mental force and capacity for reasoning. For several years he delivered lectures in the course at Kenyon College on Common Law and Code Pleading. That institution has conferred upon him the honorary degree of LL. D. He possesses the elements of personal popularity and is much esteemed by his friends in and outside of the Bar.

PHILIP B. SWING was appointed for the Southern District March 13, 1871, and served until his death October 30, 1882.

WILLIAM WHITE was appointed by the President and confirmed by the Senate to succeed Judge Swing, but owing to illness did not qualify and the vacancy was not filled until after his death in March, 1883, when Judge Sage was appointed.

GEORGE R. SAGE was born at Erie, Pennsylvania, August 24, 1828, the eldest son of Rev. O. N. and Elizabeth (Berry) Sage—the former a native of Vermont, and the latter of New York. His father, who died in 1884, was a retired Baptist minister. His paternal ancestors came originally from Wales and settled in Connecticut about 1657. The ancestors of his mother, Elizabeth Berry, came over in the "Sarah Jane Fortune," the first vessel after the Mayflower. His grandfather on his mother's side, Samuel Berry, a man of liberal education, was the first schoolmaster of Fredonia, New York. The family removed from Erie to Ohio in 1835, and in 1843 to Covington, Kentucky. They remained there until 1849, when they returned to Ohio, locating in Cincinnati, where they have since resided. Judge Sage was educated at Granville College, now Dennison University, Granville, Ohio, where he graduated in 1849. Before entering college he learned the printer's trade, and during his vacations throughout his college course employed his time in setting type in various printing offices. The year following his graduation he taught mathematics in the academy at Lebanon, Ohio, at the same time studying law. Returning to Cincinnati in 1850, he continued his legal studies under the supervision of Honorable Alphonso Taft, father of Judge William H. Taft of the United States Circuit Court. In the fall of 1850 he entered the Cincinnati Law School, where he was a classmate of the late Oliver P. Morton of Indiana. He was admitted to practice at Frankfort, Kentucky, in June, 1852, and on the same day argued his first case in the Court of Appeals of Kentucky. The case involved the control of the property of the Western Theological Institute, of Covington, Kentucky, then worth \$400,000, and turned upon questions of constitutional law. Charles K. Morehead and M. M. Benton were the leading counsel with him, and Attorney-General Harlan, father of Justice Harlan of the Supreme Court of the United States, and Senator Morehead of Covington, the opposing counsel. Judge Sage received \$500, his first fee, for his argument in that case.

He was then twenty-four years of age. In November, 1852, he was admitted to practice at Cincinnati, and in February, 1854, became a member of the law firm of King, Anderson & Sage. In 1857 he entered into partnership with Honorable Thomas Corwin, whose daughter, Eva A., he married in 1855. In 1858 the firm removed from Cincinnati to Lebanon, Ohio, where they were engaged in practice until Governor Corwin's death in December, 1865, Governor Corwin, however, being absent from Lebanon most of the time. Judge Sage returned to Cincinnati January 1, 1866, and soon secured a large and lucrative practice in important cases. In 1867 the law firm of Sage & Hinkle was formed, which continued up to Judge Sage's appointment to his present position by President Arthur, March 21, 1883. Prior to accepting this exalted position, Judge Sage held but one public office, that of prosecuting attorney of Warren county, Ohio, which he filled for six years. He had been repeatedly urged to become a candidate for Congress in the Warren district, but always declined. Judge White, who was appointed to succeed United States District Judge Swing, died in March, 1883, without having qualified as judge. Judge Sage was by President Arthur appointed his successor as United States District Judge for Southern Ohio, and took his seat on the Bench April 7, 1883, the anniversary of the battle of Shiloh. What was known as the iron-clad oath was administered to him by United States District Judge Hammond of Memphis, Tennessee, who was then holding court at Cincinnati under designation, and who at that battle fought on the rebel side. The affirmation of the oath is that the affiant had never voluntarily borne arms against the United States since he had been a citizen thereof, that he had not voluntarily given aid, countenance or encouragement to persons engaged in armed hostility thereto, nor sought or expected or attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States, and that he had not yielded a voluntary support to any pretended government, authority, power or Constitution within the United States hostile or inimical thereto. Judge Hammond, when he was qualified under his appointment by President Hayes, took the special oath provided for those who had participated in the Rebellion. When Lord Coleridge visited Cincinnati, in making a tour of the United States, the fact that the local Federal judge had been sworn in by a Federal judge who was an ex-Confederate, and that the latter had administered the iron-clad oath, was stated to him, and his comment was, that such a thing could not have occurred under any government on the face of the earth, except the government of the United States. While at the Bar, Judge Sage was employed in a very large number of important cases and was counsel in the only three cases wherein the trial proceedings were reported throughout in the daily press. Two of these, the case of the Irish Filibusters and the Bible case, were of national interest. Shortly before his appointment, Governor Foster tendered him a position on the Supreme Bench of Ohio, to fill the vacancy occasioned by the resignation of Judge Longworth, but he declined the offer. He has two children, a daughter Caroline, the wife of Captain J. M. Burns, U. S. A., and

one son Corwin, who is connected with the C. C. C. & St. L. Railroad, at Cincinnati. Judge Sage is a close student and an untiring worker; he is quick to grasp the controlling points in the case before him and limits counsel and witnesses to the questions involved, thereby dispatching the business of his court with great rapidity. He was, while at the Bar, noted for his remarkably effective cross examination of witnesses; on the Bench the same intuitive knowledge of human motives and emotions makes him especially strong as a *nisi prius* judge. Availing himself of the practice of the Federal courts, he charges the jury with great thoroughness, both as to the law and the facts, and his statements of controverted points are marvellously simple and fair. His decisions are written in a literary style at once incisive, polished and pure. As expositions of law they compare favorably with those of any judge in the Federal judiciary. He combines culture that comes from many years' study in all fields of knowledge, and the maturity of intellect that is gained by long experience at Bench and Bar and by contact with men of prominence of several generations past, with a fund of anecdote and information that is within the reach of few living men.

REPORTERS OF THE SUPREME COURT.

BY E. O. RANDALL.

The court reportorial system took its origin in England, and can be traced back to the Norman Conquest, from which it continued, in a more or less irregular and indifferent form, till the days of Elizabeth's illustrious reign, when Plowden's published reports (1550-1580) raised the office of court reporter to high legal dignity and great literary luster. Plowden was followed by the distinguished Coke, whose reports are among his most pretentious and valued legal work, and drew forth from his great rival Francis Bacon this tribute: "To give every man his due, had it not been for Sir Edward Coke's Reports, the law, by this time, had been almost like a ship without ballast; for that the cases of modern experience are fled from those that are adjudged and ruled in former times."

Subsequent to the adoption of the first Constitution of Ohio (November, 1802) the first enactment organizing the judicial courts of the State was passed April 15, 1803. (Vol. 1 O. L., 35.)

This original act was amended from time to time until February 23, 1816, when, for the first time in the State legislation, recognition was made of the necessity, on the part of the Supreme Court, for putting in permanent form and properly preserving its opinions accompanying its decisions. That law was as follows: "* * * * It shall be the duty of the court to reduce the reasons of their judgment to writing and cause the same to be filed with the other papers of such cause, and if it should happen that the judges of said court should differ in opinion, then the dissenting judge shall also reduce the reasons of his opinion to writing, and the same shall be filed as aforesaid." (14 O. L., 310.)

The provisions of this act were doubtless complied with, but the reports filed by the court are no longer extant. They were probably relegated to the garret of the clerk's office, where they made unequal struggles "'gainst the tooth of time, and razure of oblivion."

January 20, 1823, the legislature amended the last act and provided: "Section 6. That the said judges shall appoint a reporter, who shall report all decisions made at said sessions in Columbus, and such other important decisions as he may be directed by said judges to report, and cause the same to be published as soon as may conveniently be done after such session." (21 O. L., 9.)

After the adoption of the new Constitution (1851) the General Assembly enacted—Section 8, Chapter 32 (S. & C., 379): "The Supreme Court shall appoint a reporter, whose term of office shall continue three years; whose duty it shall be to attend the sessions of said court, and to report under the

directions of the court its decisions, together with such other decisions as the court may direct him to report, and to cause the same to be published as soon as may be conveniently done. Provided, that no arguments of counsel shall be published with said reports other than a brief containing a reference to the points made and authorities cited, and relied on by such counsel, unless specially directed by the court," etc. (50 O. L., 68.)

April 14, 1854, (52 O. L., 41) an act was passed "regulating the publications of the Ohio Reports," and providing that in lieu of the salary heretofore accorded the reporter, he should have the right of personally publishing the court reports, and be entitled to the emoluments to be derived therefrom.

April 11, 1865, (62 O. L., 119) the General Assembly further amended the last previous act, establishing further requirements as to manner and method of the publication of the reports of the reporter.

April 23, 1872, (69 O. L., 99) the legislature repealed the previous acts; established a definite annual salary for the reporter, and placed the letting of the contract for the publication of the reports in the hands of the Secretary of State, who was to direct their distribution and sale. This act was further amended as to distribution and publication, May 1, 1871 (68 O. L., 109).

February 2, 1893, (90 O. L., 21) further provision was made as to the appointment of the reporter; his bond; salary and term of service.

May 21, 1894, (91 O. L., 419) the General Assembly by enactment took the publication of the reports out of the office of the Secretary of State and placed the letting of the contract in the charge of the reporter, and provided that the publisher should have the control of the distribution and sale of the reports at a stipulated maximum price. The reporter has no pecuniary interest in the publication. That vests entirely with the publisher. The same General Assembly, May 19, (91 O. L., 341) still further provided for the compensation of the reporter because of the additional labor of publishing in the reports, as decreed by rule of the court, not only the opinions, but the memoranda of the unreported cases.

Under the present legislation, therefore, the reporter is appointed by the judges of the court for a term not to exceed three years, at a stipulated salary, with contingent fees regulated by the number of decisions handed down by the court. The reports are published as a private enterprise by the publisher, upon a contract made with the reporter, form and style of the volume and retail price to the public being determined by statute.

Since the creation of the office fourteen different appointees, including the present incumbent, have discharged the duties of reporter for the court. Among them were lawyers whose names have taken high rank, not only in the legal profession of the State, but of the country. Brief sketches of these reporters herewith follow in the order of their appointment.

CHARLES HAMMOND, born September 19, 1779, near Baltimore, Maryland. His parents, George and Elizabeth (Wells) Hammond were well to do farmers and people of culture, and personally assisted in the early instruction of their son, who, as a boy, became accomplished as a classical student, retaining his

familiarity with Greek and Latin throughout his life. The family removed from Maryland to Virginia in 1785, locating at Wellsburg, Brooke county, where, in 1800, Charles entered the law office of Phillip Doddridge, one of the most distinguished lawyers of Virginia. Charles was admitted to the Bar at the General Court, sitting at Marietta, Ohio, in 1803. In the same year he was married to Sarah Tillingharst, and settled in Wheeling, Virginia. In 1810 he moved to St. Clairsville, Belmont county, Ohio. Previous to the admission of Ohio as a State, violent attacks were made upon the life and character of the territorial governor, St. Clair, because of his pronounced views as a Federalist and advocacy of a strong government, and the alleged assumption of extreme authority. Mr. Hammond, then in Wheeling, wrote a series of letters to the *Scioto Gazette*, published at Chillicothe, Ohio, defending the governor with great spirit and talent. Those letters made Mr. Hammond famous as a vigorous thinker, polished writer and intrepid advocate. In 1812 he began, at St. Clairsville, the publication of the *Ohio Federalist*, which he continued till 1818. This made him the leader of the Federal party in the West. In 1813 he was elected, from Belmont county, to the Ohio State Senate, serving in the 12th and 13th general assemblies. In 1816 he was elected to the Ohio House of Representatives, and served in the 15th, 16th, 17th and 19th general assemblies till 1822. During this time he made a revision of the laws of Ohio, and was the author of many leading acts, especially those regulating the course of descents, distribution of personal estates, chancery proceedings, etc. In 1822 he removed to Cincinnati, which was thereafter his home. In 1821 he was made the first appointee to the office of reporter of the Supreme Court, which office he held till his death in Cincinnati, April 3, 1840. He edited the first nine volumes of the Ohio Reports, and they are monuments to his legal lore and literary acquirements. During all these years he was busy with his law practice, which often called him to Washington, and the pursuit of his profession as a journalist, in which he became equally distinguished. He was the author of the political essays signed "Hampden" in the *National Intelligencer* (1820), upon the Constitution, which letters were highly complimented by President Jefferson. In 1823 he became an editorial writer on the *Cincinnati Gazette*, and his pen was the chief power in that organ till the great destroyer hushed his voice. As a lawyer and editor he was equally prominent, and his influence in the public measures and political movements of his time was second to none of the great leaders in the West. As a constitutional lawyer he had no superior in the State and but few, if any, equals in the country. Mr. Hammond possessed natural talent of the very highest order, and he has been not improperly regarded as the Alexander Hamilton of the West. In 1819 arose the celebrated case of the State Auditor of Ohio against the United States Bank (9 Wheaton 738). Henry Clay represented the Government and Charles Hammond the State of Ohio. It was argued in the United States Supreme Court in February, 1824, and was a battle of legal giants. Mr. Hammond's reputation was already great, but this case placed him in the highest rank, although the decision of the Supreme Court

was against him. His argument was a masterpiece, admirable in temper, perfect in logical construction, comprehensive in its grasp of principles, original, and as a specimen of English composition will challenge comparison with anything emanating from the most eminent of the legal profession. Mr. Hammond's review of the opinion of Chief Justice Marshall in this case, says high authority, "was perhaps never excelled by even the great constitutional lawyer of Boston." Mr. Hammond's last argument before the United States Circuit Court at Columbus (1838) was declared by Justice McLean, presiding on the Bench, to be one of the most happy and successful efforts of a great and powerful mind he had ever heard. Toward the close of his administration, President Adams tendered Henry Clay a position on the United States Supreme Bench. Mr. Clay declined, and the appointment was tendered Mr. Hammond, but he refused to accept the high honor. Mr. Hammond enjoyed the friendship and intimacy and often full confidence of the leading men of his time—Jefferson, Adams, Clay, Crawford, Marshall, Webster, Jackson, Birney, Harrison; and others in letters and public utterances acknowledged their appreciation of his noble character and transcendent talents. Lieutenant Governor Greene, of Rhode Island, relates that in a conversation with Chief Justice Marshall, the latter "spoke of Mr. Hammond's remarkable acuteness and accuracy of mind, and referred with emphatic admiration to his argument before the Supreme Court in the bank case. He said that he had met no judicial record of equal intellectual power since Lord Hardwick's time." Mr. Hammond's opposition to slavery and its influence on the government was firm, consistent and powerful. Probably no public writer did more to form a just and reasonable anti-slavery sentiment. He induced the Ohio Legislature, in 1820, to adopt his views and to declare that the existence of slavery had ever been deemed a great moral and political evil, that its tendency was to impair our national character and naturally affect our national happiness. (18 O. L., 147.) Mr. Hammond's writings are unsurpassed for clearness, completeness, brevity and beauty. In elegance and simplicity they compare favorably with the best of the English essayists. "For over forty years," writes one who knew him well, "Charles Hammond was one of the Republic's ablest, most unselfish and most faithful sons, and a witness to the spirit and principles of government as established by the fathers."

PHINEAS BACON WILCOX, born September 26, 1798, at Westfield, Connecticut. The only son of Seth Wilcox and Molly Bacon. Both parents were descendants of Saxon ancestry, the first emigrants in the family to this country settling in the Massachusetts colony about the year 1675. Phinehas during his early boyhood lived and worked upon his father's farm, obtaining such education as his meager opportunities afforded. At the age of sixteen he attended the academy at Cheshire, Connecticut, and the academy at Middlebury, Vermont. At these excellent preparatory schools he was fitted for Yale College, from which he was graduated at the age of twenty-three. Shortly after graduation he married Sarah D. Andrews of Wallingford, Connecticut, and the new couple started, on their bridal trip, to the then far

distant wilderness of the "Ohio country," finally locating in the new town of Columbus, on the "Waters of the Scioto," where his father owned land, and where they arrived in the fall of 1821. Columbus never ceased to be his home. He immediately began the study of law in the office of Judge Orris Parish, and was admitted to the Bar in 1824, and at once commenced the practice of his profession, his legal forum then being the old red brick court house in Franklinton. His natural ability, studious habits, superior education and unswerving integrity at once raised him to the front rank of his contemporary practitioners. He rapidly acquired a large practice in Franklin, Madison and Delaware counties. He soon became prominent as a "land lawyer," having mastered all the intricacies of the Virginia Military Land titles, that perpetual source of litigation in those days. He was also distinguished as a chancery lawyer, which practice he preferred. He was a master of common law pleadings, being familiar with all the subtleties of the old English special pleas, and a constant student of English common law. In 1833 he published a work on "Ohio Forms and Practice," which became at once standard authority on those subjects. He published an enlarged and revised edition in 1848. This book was the standard on law and equity practice and pleading, both in the State and the United States courts, until the adoption of the code of civil procedure in 1853, and was in universal use by judges, lawyers and clerks in this and other States under the old practice. In 1849, when the matter of a new Constitution and code was contemplated, he published a pamphlet entitled "Tracts on Law Reform," with a view of molding public opinion against the proposed changes in our law system. His motto was, "We know already the worst of what *is*—we know not the worst of what *may be*." Like many lawyers of the old school, he could not abide the new code; but, upon its adoption, adjusted himself to the new order of things, and in 1862 published his "Practical Forms Under the Code of Civil Procedure." He was elected prosecuting attorney for Franklin county for the years 1834 to 1836. He was reporter of the Supreme Court of Ohio for the year 1840, reporting the tenth volume of the Ohio Reports, and his copious and scholarly notes to some of the cases therein give indisputable evidence of his wide knowledge of the law, general scholarship and remarkable accuracy and terseness of statement. So high did he stand in the confidence of the court, that it not infrequently happened that after deciding some difficult question, the court in handing its opinion to the reporter would say, "We have decided so and so in this case, and depend upon you to give the reasons." His note upon assurances of title, in the case of Foote vs. Bennet, 10 Ohio, 317, has been considered one of the ablest and clearest expositions of that abstruse subject, at that time not well understood by even good lawyers, and it received a high encomium from Chancellor Kent. Mr. Wilcox was United States commissioner for the district of Ohio for many years, but he resigned this office in 1858 rather than be made the instrument of remanding a fugitive slave to bondage. For though he had nothing to do with politics as such, he was a staunch Whig, with a leaning toward the old

Federal doctrines, and afterwards a decided Republican. Upon the breaking out of the Rebellion in 1861, he was much disturbed as to the ultimate result upon our institutions. Never doubting that the North would conquer, he believed that the greatest perils would then arise, having little faith in the loyalty of the South to our Federal government thereafter. After a long investigation on the subject, from Magna Charta down, he settled upon certain principles which he embodied in a brief, and sent, in 1862, to his friend Edwin Stanton, then secretary of war. It was a remarkable, pathetic document. Mr. Wilcox was famous as a student and a scholar, conspicuous for his culture in history and literature, and especially the classics, his knowledge of which he kept through life. His law library was very large and varied, and the reports of the English cases were his delight and pastime. For many years it was the only library of any consequence in the West, and was constantly resorted to, both by lawyers and judges, whom he was always ready to assist. The library at his residence was often the scene of interesting and learned discussions, intermitted with rare wit and humor, when Ewing, Stanbery, Hunter, Goddard, Lane, Swayne and others of his "brothers" met there. Mr. Wilcox was a man of deep and sincere religious convictions, maintaining through life the principles instilled into his mind by a most excellent and sensible mother, who trained him in the strict views of the Puritans of New England. It was once said of Mr. Wilcox by Judge Bennet, that he lived upon Coke and the Bible. A distinguished legal friend in Cincinnati, upon hearing of Mr. Wilcox's profession of religion, wrote him: "So you have become a Christian? I had thought that a business man could find something better to do. Let me have your reasons." To this Mr. Wilcox replied by writing an essay, afterwards published by the American Tract Society, and styled "A Few Thoughts," wherein he set forth, in simple and forcible language, the cardinal truths of the gospel, and the reasons for the faith they inspired. Mr. Wilcox's character was once well summed up by one who knew him, as follows: "He was a man of high character and personal integrity, of great benevolence and charity, a fine type of a conscientious Christian lawyer, attending with great diligence and fidelity to the cases of his clients, when, in his opinion, they had a just cause, but discouraging litigation, for the mere sake of litigation or procrastination, and utterly refusing to lend himself or his great legal attainments to any unjust cause, however large the fees or tempting the glory." Mr. Wilcox died on March 25, 1863, at Columbus, Ohio. The late General James A. Wilcox was his son, and Anna Maria, wife of Robert Ellis, his only daughter.

EDWIN M. STANTON, LL. D., was born at Steubenville, Ohio, December 19, 1814. He was of Quaker descent, and his ancestors, who were members of the Society of Friends, emigrated from Rhode Island to North Carolina about 1750. His grandmother, Abigail Macy, was a descendant of Thomas Macy, the first settler of Nantucket, whose flight as a result of giving shelter to a pursued Quaker was made the subject of a fine poem by John G. Whittier ("The Exiles"). His father, David Stanton, and mother, Lucy Norman,

moved from Virginia to Steubenville a few years before the birth of Edwin. Here David Stanton, the father, was a physician. At the age of thirteen Edwin, obliged to contribute to his own support, became a clerk in the bookstore of James Turnbull, where he remained some two or three years, studying during his leisure hours as best he could, and in 1831 he entered Kenyon College, completing the course through the Junior year, when necessity compelled him to seek employment, and he went to Columbus and sought a clerkship in a bookstore, but returned in a few months to Steubenville and began the study of the law with his guardian, David L. Collier. He was admitted to the Bar in 1835 and opened an office and began practice in Cadiz, Harrison county. He at once exhibited every qualification of a successful lawyer, and shortly after commencing the practice he was elected prosecuting attorney of Harrison county. At the close of his term of office he removed to Steubenville, resuming practice at that place. In 1842 he was appointed reporter of the Supreme Court of the State. He prepared and published the reports of cases argued and determined in the Supreme Court of the State of Ohio for the years 1841 and 1844 inclusive, being volumes 11, 12 and 13, Ohio Reports. In 1847 he removed to Pittsburgh, Pennsylvania, forming a partnership with Honorable Charles Shaler, but also kept an office in Steubenville for nine years thereafter. His first Steubenville partner was Judge Benjamin Tappan, who edited and published a volume of the "Cases decided in the Courts of Common Pleas in the Fifth Circuit of the State of Ohio; commencing with the May Term, 1816." Mr. Stanton's second Steubenville partner was Colonel George W. McCook, Supreme Court reporter in 1852. In 1856 he removed to Washington, D. C. During his residence in Pittsburgh he acquired a large practice and won an inter-state reputation as a scholarly, talented and energetic lawyer. This experience and reputation, carried with him to Washington City, at once gave him great prominence among the foremost practitioners at the National capital. Mr. Stanton took part in many of the leading cases before the United States Supreme Court, often acting as counsel for the government in important land and intricate patent cases. He was associate counsel (1859) in the famous trial of Daniel E. Sickles for the murder of Philip Barton Key. Mr. Stanton had been a Democrat from his early days and had at this time become a prominent figure in the counsels of his party. In December, 1860, James Buchanan appointed him attorney-general of the United States. Upon taking the oath of office he said to a friend, "I have taken the oath to support the Constitution of my country; that oath I intend to keep both in letter and spirit." Ably did he keep his pledge amid the ensuing treasons and perils that threatened the Union. In November, 1860, believing that the menacing language of the Southern press, immediately following the election of President Lincoln, betokened secession and the design to destroy the Federal government, Mr. Stanton boldly and vigorously advised President Buchanan to incorporate into his last message to Congress the doctrine that the Federal government had the power and that it was its duty to coerce the seceding States. In the cabinet Mr. Stanton constantly and

earnestly advocated swift and decisive action, denouncing the dangerous and disloyal temporizing spirit manifested by the other members, but, except himself and one other, Buchanan's cabinet was composed of men who favored secession, while Buchanan himself was too timid and irresolute to assert in any manner doctrines offensive to his official family. Mr. Stanton retired from the Cabinet with the close of Mr. Buchanan's administration and resumed the practice of his profession. In January, 1862, it having become evident to President Lincoln that Simon Cameron should be assigned to some other position than that of secretary of war, the President, notwithstanding the most resolute opposition of Montgomery Blair, appointed Mr. Stanton secretary of war. Here he was in a position where his genius and almost boundless energy had full play. He immediately engaged in a thorough examination of the number and position of the United States forces, and submitted to the Senate military committee the result of his prompt and exhaustive labor and researches. He proposed to bring together and consolidate the more than one hundred and fifty regiments of Union troops dispersed throughout the northern, eastern and western States. Congress accepted and carried out his plans. It is unnecessary, and indeed the space of this sketch would not permit a full or just account of the services to his country through this period of Edwin M. Stanton, our nation's greatest secretary of war. The events through which he passed and of which he was one of the most important and influential directors are matters of complete record and common knowledge. Mr. Stanton's efforts were indefatigable; he used little time for rest, never seemed weary, and many of the greatest movements in that tremendous struggle were made under his personal dictation. To his untiring energy, keen intellect and profound sagacity, is due in no small degree the result of that conflict. He enjoyed the most cordial personal friendship of President Lincoln to the time of the latter's assassination in 1865. Upon Andrew Johnson's accession to the Presidency, Mr. Stanton was requested to continue in charge of the war department. He differed with the President, however, with regard to the reconstruction acts and other important questions in the policy of the Executive. Mr. Stanton supported the position of the Republican party, which had a majority in Congress. Matters at length reached such a pass that on the 5th of August, 1867, Mr. Johnson requested his resignation on the ground of "public considerations of a high character," to which Mr. Stanton replied that "public considerations of a high character which alone had induced him to remain at the head of this department constrained him not to resign before the next meeting of Congress." He could not be removed under the tenure of office act, but on August 12th the President issued an order for his suspension, and he obeyed it under protest, General Grant being appointed secretary of war *ad interim*. The Senate refused to sustain the President in the removal of Mr. Stanton, and on January 13, 1868, reinstated him in office. Mr. Johnson renewed the conflict by appointing General Lorenzo Thomas secretary of war *ad interim*, but Mr. Stanton held the fort and refused to vacate, staying

in his office day and night. The proceedings in impeachment of the President followed, and on the failure to impeach Mr. Johnson, on May 26 Mr. Stanton resigned. The Senate in confirming his successor adopted a resolution that Mr. Stanton was not legally removed, but relinquished his office, and subsequently Congress passed him a vote of thanks for the great ability, purity and fidelity with which he had discharged his duties. Although Mr. Stanton's constitution was broken down by the tremendous strain which his efforts during the war had imposed on it, yet his circumstances compelled him to renew the practice of his profession—indisputable evidence of his honesty and integrity while holding public office. On December 20, 1869, he was appointed by President Grant, associate justice of the Supreme Court of the United States, and was immediately confirmed by the Senate, but he was never to take his seat, for he died on December 24, before his commission to that high office was made out. Mr. Stanton was married on the 21st day of December, 1836, to Miss Mary A. Lamson, daughter of William Lamson, formerly of Connecticut. The marriage occurred at Columbus, Ohio, at the residence of Rev. William Preston of Trinity Church, Mrs. Preston being the oldest sister of the bride. Mary Stanton died on the 13th of March, 1844. Mr. Stanton married in June, 1856, Miss Ellen A. Hutchison, daughter of Lewis Hutchison of Pittsburgh, Pennsylvania, at which place he was then residing. Mr. Stanton left his widow and children in comparatively destitute circumstances. A testimonial fund of \$100,000 to repair the losses occasioned by the complete abnegation of his private interests during the period of his secretaryship was by him refused in the firmest manner. Subsequent to his death, however, the amount was contributed for the benefit of his family.

HIRAM GRISWOLD was the son of Roswell and Jerusha Griswold. The family was of English descent, and upon its arrival in this country settled in Connecticut. Hiram was born at Colebrook, Litchfield county, Connecticut, July 5, 1807. His father was in moderate circumstances, with a farm situated among the rocks and hills of New England. Hiram was the third child in a family of twelve children, to no one of whom was the father able to give special advantages of education. Hiram was a striking example of a self-made man. He gained what education he could by winter's schooling in the district schools, in which he showed great aptitude as a scholar. At the age of eighteen he decided to push out into the world for himself, and obtained his father's permission to leave home. After teaching school for a few months in the State of New York, he followed the emigration West and located in Ravenna, Ohio, where he supported himself by teaching school. He graduated from Western Reserve College, Hudson, Ohio. He resolved upon the study of law, and while still teaching began his legal studies at Ravenna and later completed the same under the fortunate guidance of Honorable Van R. Humphrey, of Hudson, Ohio. He was admitted to the Bar at Bucyrus, Crawford county, in 1829, and shortly thereafter began the practice at Canton, Ohio, where he opened an office, and where he remained for twenty-two years. His unusual ability and excellent mental training enabled him to make

rapid progress in his profession, and he soon took a most prominent place at the Bar of Stark county. Mr. Griswold was a man possessed of sterling qualities of character and popular manner and address. On the stump no stronger man stood before the people of Ohio. With a strong courage, clearness of conviction, with a happy gift of language, with a commanding presence and an earnest and forcible delivery, he was upon the platform one of the first and finest representatives of the principles of the Whig party in the West. He was frequently urged during his residence in Canton to accept public office, even being offered the nomination to Congress from his district, but he refused political preferment, desiring to build up, as he did, a large and successful practice. In 1846, while a resident and practitioner of Stark county, he was appointed reporter of the Supreme Court to succeed Edwin McMaster Stanton. Mr. Griswold served in this office for five years, to and including 1851, reporting volumes 14 to 19 inclusive, Ohio Reports. He was an able court reporter, painstaking and very popular with members of the Bar. Under his administration the reports became more voluminous, owing to the rapid increase of litigation attendant upon the growth of population in that prosperous decade. In 1851 he was nominated by the Whigs of the Ohio Legislature as their candidate for United States senator. Among his opponents for that position were Thomas Ewing, Samuel F. Vinton, Judge Lane, Attorney-General Stanbery, Judge Johnson and Charles Anderson; but the Whigs had not a clear majority, and after some eighteen ballots, during which Mr. Griswold came within two votes of election, the Whigs, perceiving that no election was possible except by a coalition with the Free-soilers, withdrew with his consent the name of Mr. Griswold. Thereupon, after several names had been presented and rejected, Benjamin Wade, of Ashtabula county, was brought forward and elected. In the year 1852, shortly after his retirement from the reporter's office, in order to have a wider field for his legal practice, Mr. Griswold removed from Canton to Cleveland, where he entered into a partnership with M. S. Castle, and in which city, for twelve years, he maintained the unquestioned position of one of the foremost leaders of the Bar. In the fall of 1855 he was elected a member of the State Senate from Cuyahoga county, serving in the 52nd (1856-1858) General Assembly with such distinguished colleagues as Stanley Matthews, Hezekiah S. Bundy, Alfred Kelly, William Lawrence, Ralph P. Buckland and John T. Brasee. While Mr. Griswold was a resident of Cleveland, there occurred at Harper's Ferry that momentous event known as John Brown's Insurrection, October, 1859. The details of that tragic incident are familiar history. In that hour of John Brown's solitary danger, Hiram Griswold volunteered his services in defense of the Abolition hero. He participated in the trial as one of Mr. Brown's legal counsel, and dared to stand by his martyred friend to the last. With the name of John Brown that of Hiram Griswold will go down through history. It was natural that a man with such strong and intense convictions should feel a deep interest in Kansas. He longed to cast his fortunes with those of this young, liberty-loving State. Finally, in 1863, he yielded to this desire and removed to Leavenworth, Kan-

sas, where he resided till the day of his death, October 11, 1881. During his residence in Kansas he maintained the same high position at the Bar that he had held in Ohio. He was elected attorney-general of Kansas in 1864, and served one term. Immediately after the passage of the bankrupt act he was appointed, by Chief Justice Chase, register of bankruptcy for the State of Kansas, which position he filled until the repeal of the act. In 1832 he married Miss Eleanor Gordon, daughter of John Gordon, of Pittsburg, Pa. She died some four years after their removal to Leavenworth. Three years before his death he married Mary J. Chisholm of Bath, N. Y. This widow is now living in Leavenworth, Kansas. A sister, Mrs. William S. Phillips, resides at West Winsted, Connecticut, and a brother, Edward R. Griswold, at Cleveland, Ohio.

WILLIAM LAWRENCE, A. M., LL. D. He was born at Mount Pleasant, Ohio, June 26, 1819; graduated at Franklin College, September, 1838, with the highest honors of his class. Graduated at Cincinnati Law School, March, 1840, and admitted to the Bar in November of the same year, and has been engaged in the active practice of his profession ever since, excepting when his official duties prevented. As a lawyer, Mr. Lawrence has taken high rank, his clientage being scattered over many States. His name appears as counsel in many volumes of the Ohio and the Ohio State Reports, and in the reports of the Supreme Court of Kansas and of the United States. From July 15, 1841, to July 15, 1843, he was the law partner of Benjamin Stanton, afterwards member of Congress and lieutenant governor of Ohio. From July, 1851, to February, 1854, he was a law partner with his law student, William H. West, afterward attorney-general of Ohio and judge of the Supreme Court. From April, 1866, to August, 1871, he was the law partner of Emanuel J. Howenstein, and later a partner with his son Joseph H. Lawrence. The political career of Mr. Lawrence has been most conspicuous and creditable. He was elected prosecuting attorney of Logan county for the year 1845-46. He was a member of the Ohio House of Representatives 1846-48; member of the Ohio Senate 1849, '50 and '54. During his legislative service he was the author of and caused to be enacted, among many other important measures, the Ohio Free Banking Law, from which the National Banking Act was largely modeled. He was Whig candidate for Presidential elector, 1852; was judge of the Common Pleas and District Courts in Ohio, 1857 to 1864; editor of the *Cleveland Western Law Monthly*, 1861 to 1864. In 1862 he was colonel of the Eighty-fourth Ohio Volunteer Infantry, engaging in active service in the State of Maryland; in 1863 was appointed by President Lincoln district judge in Florida, but declined the office; was elected representative to Congress from his district in 1864, and served continuously in that body by virtue of re-elections for ten years. He was one of the counsel selected by the Republicans in Congress, under the act of January 29, 1877, and argued in favor of the claims of the Republican Presidential electors for Oregon and South Carolina, before the Hayes-Tilden "Electoral Commission," and the records of that memorable contest show with what learning and ability Mr. Lawrence presented his argu-

ments. He was appointed first comptroller of the United Treasury Department, serving from July, 1880, to April, 1885. His published reports during that period are regarded as model financial and state documents. Mr. Lawrence's learning has not been confined to the field of his profession. Possessed of a mind as versatile as it is vigorous, he has been recognized by his speeches and publications as high authority in many departments of knowledge. He was a student of medicine and surgery from 1841 to 1843, and his medical education has been a valuable aid to him, not only in his legal pursuits, but in the practical affairs of a busy life. He was editor of the *Logan Gazette* from 1845-47; trustee of the Ohio Wesleyan University from July, 1878, to the present time. For many years Mr. Lawrence has been deeply interested in the agricultural interests of our country and State, and particularly in the subject of sheep raising, wool growing and the question of the tariff pertaining thereto. In January, 1891, he was elected president of the Ohio Wool Growers' Association, and by annual re-election has so continued ever since. In October, 1893, he was elected president of the National Wool Growers' Association and still retains that office. The *New York Commercial Advertiser*, November 30, 1895, said: "He has made more speeches and written more newspaper articles on the wool tariff * * than any other citizen of the United States." April 9, 1896, Senator Mantle, in a speech in the United States Senate, said: "He is beyond question the highest and best informed authority upon the wool question * * to be found in the country." Mr. Lawrence has been a prolific and scholarly writer in nearly all the departments of study that have engaged his attention. His miscellaneous law articles in law journals, his speeches and pamphlets used as political campaign documents in Presidential and other elections, his judicial decisions and his miscellaneous addresses, if collected, would make several volumes, besides his speeches and reports in Congress. His printed briefs in law cases would in themselves constitute a large library, and embrace the discussion and elucidation of nearly every principle of law. Many of these briefs are preserved in the government law library at Washington. He has been a frequent contributor to the leading law publications of the country, and has a ready familiarity with more branches of the law than members of the profession generally possess. As lawyer and judge he has acquired a most thorough comprehension of both constitutional and common law. While serving in Congress, as a member of the judiciary committee, of the committee on the revision of the laws, and as chairman of the committee on war claims, he became unusually conversant with the Constitution and the laws of the United States and international law, including the laws of war. And as first comptroller of the treasury he became versed in the national executive common law and in the construction of statutes. Several authors of law text-books have availed themselves of Judge Lawrence's valuable assistance in the preparation of their works. Bishop in his works on "Statutory Crimes," and on "Criminal Law," has quoted with approval excerpts from the legal arguments of Judge Lawrence. Paschal in his annotated "Constitution," speaking of Judge Lawrence's

treatise on "The Law of Impeachable Crimes," used in the impeachment of President Johnson, said: "In all that great trial there is no more accurate and precise learning than is to be found in the brief of authorities upon the law of impeachable crimes and misdemeanors, prepared by Honorable William Lawrence, of Ohio, which was adopted by Mr. Butler." He was appointed reporter to the Ohio Supreme Court at the beginning of 1851 and served but one year. Although he edited but one volume, No. 20 and last of the Ohio Reports, it is the most voluminous of all the Ohio and Ohio State Reports, and in the presentation of the cases, accompanying the opinions, Mr. Lawrence gave evidence of his legal learning and eminent qualifications for this office, which he so briefly held. Mr. Lawrence is still engaged in active practice, at his home, Bellefontaine, Ohio.

GEORGE W. MCCOOK was a member of the famous family of Ohio known as the "Fighting McCooks," a family that has achieved a reputation both in military and civil life, and which will occupy a place in our country's history accorded but few. He was the son of Major Daniel McCook, and was born in Cannonsburg, Pennsylvania, July 21, 1822. When quite young his family removed to Columbiana county, Ohio, where they remained until George was nine years old, when the family removed to Carroll county. While living here he attended Franklin College, at New Athens, Ohio. At the close of his collegiate year he studied law in the office of Edwin M. Stanton, and being admitted to practice by the Supreme Court of the State, then sitting in Trumbull county, he became a partner with his preceptor, Mr. Stanton, in 1843. While pursuing his profession he also became active as a politician, and a prominent member of the Democratic party, taking an influential part in the affairs of that organization until his death. With the outbreak of the Mexican War a company of volunteers was formed in Steubenville, called "The Steubenville Grays." This company organized in May, 1846, by electing George W. McCook, then a rising young lawyer, as captain. On May 27th the company left for Camp Washington, at Cincinnati, where it became Company I of the Third Ohio Infantry. Captain McCook was promoted to the lieutenant colonelcy, and a short time before the return of the regiment, Colonel McCook was placed in full command, Colonel Samuel R. Curtis, his predecessor, having been made inspector general. On July 3, 1846, the regiment proceeded to Cincinnati, New Orleans and thence to Texas, crossing the border at Fort Brown into Mexico, where they lay for six months at Camp McCook. From thence they proceeded to Matamoras, and soon after Lieutenant McCook, with three companies, was detailed to relieve Colonel Morgan's regiment at the front, which they accomplished after one of the hardest marches of the war. The regiment subsequently proceeded to Monterey and Buena Vista. They returned home and were mustered out on July 3, 1847. On his return to Steubenville, Colonel McCook resumed his partnership with Mr. Stanton, when, in 1852, he was appointed reporter of the Supreme Court of Ohio, but he served but one year, preparing the first volume of the Ohio State Reports under the new Constitution. In the fall of 1853 he was elected attorney-general of the State by

a large majority on the Democratic ticket, defeating both William H. Gibson, the Whig candidate, and Cooper K. Watson, the Free-soil candidate, and he served for the full term of two years, 1854-1856, but was defeated for re-election by his Republican opponent, Francis D. Kimball. Upon retiring from the office Colonel McCook resumed his law practice in Steubenville. A large part of Colonel McCook's practice was connected with the affairs of the Steubenville and Indiana Railway Company, of which he was the attorney, and in 1859 he made a visit to Europe to make arrangements with the first mortgage bondholders of the road, in which he was successful. With the outbreak of the Rebellion, Colonel McCook was appointed by Governor Dennison one of the four officers to look after the interests of the Ohio troops. He took charge of the 126th Ohio Infantry, and in 1863 was made colonel of the 39th Ohio National Guards, which afterwards became the 157th Ohio National Guards, and was part of the one hundred day troops engaged in guarding rebel prisoners at Fort Delaware. They were mustered out in September, 1864, when the colonel returned to Steubenville. Colonel McCook was a leader in Democratic politics in Ohio, several times being chairman of the State delegation in their National conventions. He nominated John C. Breckenridge in the Cincinnati Convention of 1856, for Vice-President on the ticket with James Buchanan, and at the New York Convention of 1868 he nominated Horatio Seymour for the Presidency. Colonel McCook was the Democratic candidate for governor of Ohio in 1871, defeating in the convention Thomas Ewing and Durbin Ward. He was defeated at the polls by Edward F. Noyes, the Republican candidate. During this campaign he was attacked by a disease of the brain, which compelled him to withdraw from the canvass, and after that he took but little active part in politics, living quietly at his home in Steubenville. He made several trips to Europe in quest of health. He died in New York, December 28, 1877, leaving three children, George W. McCook, Jr., Hettie B. and Robert McCook. He married Miss Dick, an adopted daughter of the Rev. C. C. Beatty, of Steubenville. Colonel George McCook was the second son, the first being Latimer, who died in 1872, in the West. The other brothers were General Alexander McDowell McCook, aid-de-camp of General Sherman's staff; General Robert McCook, assassinated by the rebels in Tennessee in 1863; General Daniel McCook, who fell in the front at Kenesaw Mountain, 1864; General Edward McCook, assaulted by Wintermute in Yankton, Dakota; Charles McCook, killed at the first battle of Bull's Run; Captain John McCook, an attorney in New York City. There were also two or three sisters.

ROBERT BRUCE WARDEN was born at Bardstown, Nelson county, Kentucky, January 18, 1824. He was the son of Robert and Catherine Lewis Warden. When about three years of age he with his parents went to Cincinnati, Ohio, where the greater part of his life was spent. He was educated at the Atheneum, a Catholic College in Cincinnati. His education was irregular as to attendance at school. His father died when Robert was twelve years old. After his father's death he combined work with study. Being fond of his books, he was seldom without one in hand. It is told of him that he would

take with him his Latin grammar when sent to the baker's, and would find himself at the brink of the Ohio river, blocks beyond his destination, so absorbed was he in his book. He commenced the study of the law in Cincinnati, in 1840, under the tuition of Judge Read, in the office of Morris & Rearden. Afterward he had Judge Timothy Walker for his legal teacher. He became, at the age of seventeen, deputy clerk of the Court of Common Pleas of Hamilton county, Ohio. Two years later he was made clerk of that court with charge of the court house desk. This office he held until 1845, when, at the age of twenty-one years, he was admitted to the Bar. Early in 1850, having barely attained the legal age, he was elected by the legislature president judge of the Common Pleas Court, at Cincinnati. In 1851 he was elected by the people one of the co-equal judges of Court. In 1853 Judge Warden was appointed reporter of the Supreme Court of Ohio. He prepared and issued volume 2 Ohio State Reports, and had begun the preparation of volume 3, when on December 9, 1854, he was appointed by Governor Medill to the Supreme Bench of Ohio, to fill the unexpired term of Judge John A. Corwin. Judge Warden served on the Bench until February 9, 1855, when he was succeeded by Judge Joseph R. Swan, who had been regularly elected to the office the previous fall. Judge Warden was immediately reappointed reporter of the Court and issued volume 4. His practice in Ohio was extensive, his legal services having been engaged in cases on trial in various parts of the State. While he was presiding judge of the court in Cincinnati, he assigned Rutherford Burchard Hayes (later President of the United States), who had recently been admitted to the Bar, to his first important case, as counsel to defend Nancy Farrar (supposed to be insane), on trial for the crime of murder. Judge Warden removed to Washington City in January, 1873, being at that time engaged in writing his life of Chase. This biography was written at the request of Judge Chase, the then Chief Justice of the Supreme Court of the United States, who was an old and warm friend of Judge Warden. Judge Warden's legal practice in Washington, D. C., was chiefly before the Supreme Court of the United States and the United States Court of Claims. He also prosecuted several important matters in the Department of State and in the Treasury Department. In 1877, Judge Warden was appointed by President Hayes a member and attorney of the Board of Health of the District of Columbia. This Board was an important organization, upon which, by laws of Congress, were imposed duties of broad scope, involving the consideration of questions of great scientific importance and action for the protection of the health of the National Capital. Judge Warden continued a member and attorney of this Board until it was abolished by the law which provided a permanent form of government for the District of Columbia by commissioners. Judge Warden did much writing for the press. Among his literary works were "A Familiar Forensic View of Man and Law," written in Columbus, Ohio, in 1859; "A Voter's Version of the Life and Character of Stephen Arnold Douglas," written in Columbus, Ohio, 1860; "An Account of the Private Life and Public Services of Salmon Portland Chase," written in Wash-

ington in 1873, and published in Cincinnati in 1874; "The Law of Art," Washington, D. C., 1878, and many pamphlets. Another of his literary productions was a drama, entitled "Ardvoirlich," which was produced upon the stage of the old Columbus Athenaeum. Judge Warden was a scholar of wide and varied attainments, with a brilliant and original mind, which turned easily from one subject to another, and adorned every topic that it touched. He was a most accomplished and graceful orator, equally eloquent and persuasive before a jury, upon the stump or on the lecture platform. He was also a prolific and polished writer and the author of many pamphlets of a political or literary nature, besides the more pretentious works named above. During the years 1857 to 1860, inclusive, Judge Warden in connection with his brother, William Wallace Warden, published and edited, in Cincinnati, Ohio, the *Weekly Law Gazette*. At the age of nineteen years he married Catherine E. Kerdolff, who died in Washington in 1884. Judge Warden survived his wife four years, his death occurring in Washington on December 3, 1888. He left two children and a niece (an adopted daughter), namely: Lucy A. Warden (now Mrs. Clifford Warden), and Charles G. Warden, both residing in Washington, D. C., and Emma Becking (now Mrs. Atherton Thayer), of Wyoming, Hamilton county, Ohio.

JAMES HADDOCK SMITH was born November 6, 1822, in Georgetown, Brown county, Ohio. In that place he spent his youth and acquired his education, attending the schools of his native town. He early showed great predisposition for scholarship and literary pursuits. He read law with Charles W. Blair, and upon his admission to the Bar became a partner of his preceptor, the firm being Blair & Smith. With Charles W. Blair he edited and published, in 1847, the *Democratic Standard*. In the same year Mr. Smith was elected a member from Brown county of the Forty-sixth (1847-1848) General Assembly and re-elected to the Forty-eighth (1848-1849). While a member of the Ohio House of Representatives he displayed great ability as a lawyer and legislator. At the close of his service as representative he removed to Columbus, which always continued to be his home. In September, 1849, he was married to Louise Medary, daughter of Samuel Medary of Columbus the territorial governor of Kansas by appointment of James Buchanan. Mr. Smith was associated with his father-in-law as one of the owners of the *Ohio Statesman*, for many years the leading Democratic organ of the State, and during the absence of Governor Medary in Kansas, Mr. Smith was managing editor of the paper, and as such acquired a wide reputation as a fearless, vigorous and most polished and cultivated writer. He was a man of great natural literary tastes. He possessed the most complete library of works of literature in the city, and his home was the center of the leading intellectual minds of the State.

Upon the appointment of Robert B. Warden as a member of the Supreme Court, December 9, 1854, Mr. Smith was appointed to take the place of Mr. Warden as reporter. Mr. Warden had partially prepared volume 3, Ohio State Reports. Mr. Smith assumed the work as left by Mr. Warden, and his duties as reporter were confined to the completion of the decisions found in

the third part of this volume, which appears under the joint names of Warden & Smith. At the expiration of Mr. Warden's term as judge, in February, 1855, he was reappointed court reporter, Mr. Smith vacating the office because of his election to the legislature as a representative from Franklin county, Fifty-second (1856-1858) General Assembly. In the fall of 1859 Mr. Smith was nominated as an independent (Democratic) candidate for the office of clerk of the Court of Common Pleas of Franklin county. Although his opponent was Mathias Martin, regarded as the strongest and most popular Democrat in the county, Mr. Smith was elected by a large majority and served with great faithfulness and satisfaction to the people of the county until his death, February 2, 1862. He has a son, Washington Irving Smith, residing in Columbus, Ohio.

LEANDER J. CRITCHFIELD, born January 13, 1827, at Danville, Knox county, Ohio. At the age of eight years he removed with his parents to Millersburgh, Holmes county, Ohio, where he spent his youth, receiving such education as was afforded in the public schools of that place. When fifteen years old he obtained a position in the office of the clerk of Holmes county. In this position, which he retained for some two years, he early became familiar with the various legal forms, and obtained considerable practical knowledge in the methods employed in the practice of the law. With a view to a professional career at the Bar and with the purpose of acquiring a broader culture than was afforded by the public schools, by due diligence he fitted himself for admission to the Ohio Wesleyan University, at Delaware, Ohio, in which institution he spent four years of study, graduating in the regular academic course in June, 1849. During his college course he also studied law, and was duly admitted to the Bar by the Supreme Court of Ohio in December, 1849. He immediately began the practice of law in Delaware. He at once gave promise of great success in his profession, and in 1850, only a few months after his admission, he was elected prosecuting attorney for Delaware county, and at the end of his first term was re-elected, serving in all four years. In 1856 he took up his residence in Columbus, and in December of the same year he was appointed by the judges of the Supreme Court of Ohio, reporter of its decisions, in which office he continued to serve, by re-appointment, for five consecutive terms of three years each. During this time he prepared and published seventeen volumes, from five to twenty-one inclusive, of the Ohio State reports. At the close of that service (1871), a re-appointment was offered him, but he declined it, in order to devote his entire time and energies to the requirements of his profession. The causes determined by the Supreme Court have never been more accurately and skillfully reported than during the fifteen years of service rendered by Mr. Critchfield, and the Bar of Ohio will ever owe a debt of gratitude to him for this work. In 1858, at the request of Judge Joseph R. Swan, Mr. Critchfield became associated with that distinguished jurist, in the preparation and publication of Swan & Critchfield's Revised Statutes of Ohio, with notes of the decisions of the Supreme Court. This work was completed and issued in 1860, and was received with

great favor by the Bench and Bar throughout the State. These statutes continued as the standard authority until 1880, when they were superseded by the Revised Statutes of Ohio, promulgated by the codifying commission. Governor Hayes tendered Mr. Critchfield a position on this commission, but he was obliged to decline it on account of his extensive law practice. Mr. Critchfield took a deep interest in the cause of popular education. He was a member of the Columbus Board of Education for many years, and also a trustee of the Ohio Wesleyan University. He was a member of the committee that planned and organized the Public Library of Columbus. He never accepted any purely political office, but took a deep interest in public affairs. He was a delegate to the Cincinnati National Convention (1876) which nominated General R. B. Hayes for the Presidency, and during the campaign and the exciting controversy following the election, he was one of the closest friends and most valued advisers of Mr. Hayes. After the assembling of Congress he wrote to Senator Sherman earnestly urging the employment of counsel to present and argue the claims of Mr. Hayes before the electoral commission. His suggestion was adopted, and with possibly one exception, the eminent lawyers proposed by Mr. Critchfield were engaged and acted as counsel for General Hayes and the Republican party in that celebrated contest. Mr. Critchfield was married at Delaware, Ohio, in 1849, to Miss Sarah Jane Mansuer. He died at Columbus, Ohio, February 19, 1896, leaving two children, Mrs. John Short and a son, George W., an accomplished artist, recently deceased. At a meeting of the Ohio State Bar Association, held at Put-in Bay, July 15, 1896, high tribute was paid to the memory of Mr. Critchfield, who was one of the early members of the Association. Speaking of Mr. Critchfield, Congressman Harris, of Bucyrus, said: "Mr. Critchfield was thoroughly appreciative of the moral principles which underlie the correct and honorable practice of the law, and no one ever more faithfully carried them into practical, personal execution. He had a profound knowledge of law, and was most devoted to his profession. He prepared every cause in which he was counsel with great care, industry and thoroughness. His presentation of the law and the facts in his cases was singularly clear, and was strengthened by his charming refinement of manner, his scholarly and concise use of language, and his fairness, candor and spotless integrity. In his manner at the Bar he set an example of perfection in courtesy. His simplicity of manner, his entire freedom from assumption, his gentleness of disposition, and kindness and tenderness of heart, endeared him to his professional brethren and to all who knew him. Mr. Critchfield discharged every duty with alacrity. He was as generous as he was just. He was the soul of honor in all the relations of life. In every personal relation he was a good man to know, a better man to love as relative or friend. He made the consciousness of rectitude, and not fame, the main object of his life. He was a man of sincere religious convictions and of deep religious feelings. His conduct was always consistent with his professions. There was nothing but kindness in his heart for any human being. Mr. Critchfield's most remarkable endowment was not his great intellectual distinction, brilliant

imaginative force, or striking originality of mind, but a character which united in itself the rarest gentleness and the sternest sense of duty and resolve to do it."

MOSES MOORHEAD GRANGER is the descendant of a long line of distinguished ancestors. The Grangers originally emigrated from England to America about 1640. Moses was born at Zanesville, Ohio, October 22, 1831. His father was James Granger of Sheffield, Connecticut, who moved to Zanesville, Ohio, in 1817, where he was married February 15, 1829, to Matilda Vance Moorhead, daughter of a distinguished family of Virginia. She was the mother of Moses M. Granger. He was married at Lancaster, Ohio, December 29, 1858, to Mary Hoyt Reese, daughter of William J. Reese of Philadelphia, Pennsylvania, and Mary E. Sherman of Lancaster, Ohio. Mary E. Sherman, mother of Mrs. Granger, was the sister of General William T. Sherman and Senator John Sherman. He was educated in the town schools of Zanesville and at Kenyon College, from which he graduated valedictorian of his class in 1850. He studied law at Zanesville, Ohio, under Judge Charles C. Convas, having as a fellow student William W. Johnson, afterwards a judge of the First Ohio Supreme Court Commission and of the Supreme Court of Ohio. He was admitted to the Ohio Bar at Columbus, January 4, 1853; in June of the same year he began practice and rapidly acquired an extensive business. At the outbreak of the Rebellion he left the pursuits of his profession to engage in the service of his country. On May 14, 1861, he was commissioned a captain in the Eighteenth United States Infantry, and served with that regiment in General R. L. McCook's brigade of General George H. Thomas' Division, in Kentucky, Tennessee and Mississippi. On September 10, 1862, Governor David Tod commissioned him as major in the 122nd Ohio Volunteer Infantry. He was promoted to be lieutenant colonel of the same regiment on May 1, 1863, and later, on the recommendation of his brigade and division commanders, President Lincoln nominated him to be colonel of United States Volunteers by brevet, to rank as such from the 19th of October, 1864, the day on which the battle of Cedar Creek was fought, and in which Colonel Granger performed gallant and meritorious service. The Senate confirmed the nomination, and he was duly commissioned as such by Andrew Johnson. He participated in the fighting between Milroy's division and Ewell's corps at Winchester, Virginia, 13, 14 and 15 June, 1863; in French's combat with Ewell, at Locust Grove, Virginia, 27th November, 1863; in Grant's battles of the Wilderness, Spottsylvania Court House, and Cold Harbor; in Sheridan's battles of the Opequan, Fisher's Hill and Cedar Creek. After service for more than three years in the Civil War, he resigned his commission on December 16, 1864, and resumed his practice at Zanesville, in January, 1865. The civil services of Mr. Granger have been as conspicuous as were his military achievements. He was elected city solicitor of Zanesville, serving from April, 1865, to August, 1866; member of the Putnam village council, April to August, 1866; prosecuting attorney of Muskingum county, January to December, 1866; judge of the Common Pleas, first subdivision, Eighth Judicial District of Ohio, 10th December, 1866, to

9th October, 1871, when he resigned as judge and formed a legal partnership at Zanesville with Gilbert D. Munson, the present judge of the Common Pleas Court. In October, 1872, while attending a trial of a cause in New York City, he received a telegram from Judge George W. Mellvaine, Chief Justice of the Ohio Supreme Court, asking him to consent to be appointed reporter for that court. He accepted and served from October, 1872, to March, 1874, editing and issuing vols. 22 and 23 of the Ohio State Reports. Before the first year of his term of service had expired he desired to resume his practice in Zanesville, and tendered his resignation as reporter, but so ably and faithfully did he discharge the duties of this office that by the urgent request of the court he allowed the resignation to remain in the hands of the Chief Justice until vol. 23 had been printed, when he retired from the office. When the Ohio legislature created the second Supreme Court commission, to serve for two years from April 17, 1883, he consented to be appointed by Governor Charles Foster one of its five judges, because he wished to urge a change in the mode of examining cases by the highest State court. While reporter in 1872-3, he had observed how slowly the judges progressed with their docket, that much more work could be as well done in less time. During no year prior to 1883 had the court disposed of more than 257 cases on the general docket. The commission consisted of five judges, viz., Moses M. Granger, George K. Nash, Franklin J. Dickman, Charles D. Martin and John McCauley. Mr. Granger was elected each year, by unanimous vote, presiding judge of the commission. The second commission under his lead decided about 330 cases on said docket within the first year. The Supreme Court itself later adopted the improved mode of work, and since 1887 has averaged 315 cases each year. Judge Granger's opinions appear in vols. 40 and 41 Ohio State Reports. Judge Granger, though urged by his legal friends, declined to be a candidate for the Supreme Bench of the State. In 1889 the judges and Bar of southeastern Ohio, and prominent lawyers in Cincinnati, Columbus, Springfield and Toledo, urged President Harrison to appoint him to the seat on the United States Supreme Bench made vacant by the death of Associate Justice Stanley Matthews. Judge Granger was chosen a trustee of Kenyon College in 1866, and served as such almost continuously until 1887, when he tendered his resignation. Among those who served with him as college trustees were Chief Justice Waite, Senator Stevenson of Kentucky, Secretary of the Interior Columbus Delano and the distinguished Rufus King. Judge Granger continues to practice law in Zanesville and manage the extensive affairs of the McIntire estate, of which he has been sole administrator since June 4, 1880. Judge Granger has two sons living, Alfred Hoyt, graduate of the School of Technology in Boston, and now an architect in Chicago, and Sherman Moorhead, graduated at Kenyon in 1890, and is now practicing law with his father.

EPIPHANUS L. DE WITT was born at Marietta, Ohio, June 29, 1839. His father was Luke De Witt. The De Witt family emigrated from Holland to this country about the year 1650. The progenitors of the American line were

three brothers, one of whom settled in New York City, one in New Jersey, and the third, Ijerek Claeszen De Witt, settled in Kingston, New York. The latter was the ancestor of Mr. De Witt. His mother was Eunice Marnten, of English descent, born in Bridgeport, Connecticut. Luke De Witt, father of Mr. De Witt, was a Presbyterian minister and a graduate of Auburn Theological Seminary. The family moved from the East to Marietta, Ohio, during the infancy of E. L. De Witt, and in that town he spent his youth. He was educated in the private and public schools of Marietta and also at Marietta College, from which he graduated in 1863. Shortly after graduation he entered the service of the United States quartermaster's department, and was stationed in the discharge of his duties at Baltimore, Maryland; Nashville and Memphis, Tennessee. In March, 1865, he moved to Columbus, and entered as a law student the office of Judge Chauncey N. Olds, having previously studied law in Baltimore, Maryland. He was admitted to the Bar by the District Court at Marion, Ohio, in August, 1867. Began the practice of law in Columbus, and has ever since resided there. He was appointed reporter of the Supreme Court, February 24, 1874, on the resignation of Moses M. Granger and he served continuously in the office, by reappointment, till June 22, 1885, a period of eleven years, during which he edited and issued nineteen volumes of the Ohio State Reports, viz., 24 to 42 inclusive. These reports embrace volumes 27, 28, 30, 32 and 33 of the first Ohio Supreme Court Commission, and volumes 40 and 41 of the second Supreme Court Commission. Mr. De Witt, therefore, prepared and published a larger number of volumes than any previous or subsequent reporter, and the excellent character of his work is evidence, not only of Mr. De Witt's legal ability and scholarly acquirements, but of his great energy and indefatigable industry. Mr. De Witt is regarded as a very careful, accurate and sound lawyer. He was elected by the Republicans of his ward in 1882 to the city council of Columbus, serving for one term of two years, and declining a re-election, as political life was distasteful to him and he has ever preferred to devote his entire energy and attention to the practice of his profession. In April, 1876, he was married to Miss Emily Backus McIlvaine, of Columbus. They have two children living.

GEORGE B. OKEY, born at Woodsfield, Monroe county, Ohio, December 19, 1849. He is a lineal descendant of Colonel John Okey, the regicide, who was a member of the court that convicted Charles I. of England. His father was John W. Okey, who died in 1885 while serving his second term as judge of the Supreme Court of Ohio. His mother was Mary J. Bloor, who was born and lived at St. Clairsville, Belmont county, Ohio. His great-grandfather, Levin Okey, came to Ohio from Delaware in 1802, and settled in Belmont county. George B. Okey spent his boyhood in Cincinnati, Ohio, where his parents then resided. He was educated in the public schools of Cincinnati, and attended the Hughes High School of that city. In April, 1871, he graduated from the Cincinnati Law School, and was at once admitted to the Bar and entered into partnership with his father in that city. Mr. Okey annotated the Constitutions of Ohio for the use of the members of the Constitutional Convention of

1873. This work was published by the State. In November, 1877, he was appointed a member of the Codifying Commission to revise and consolidate the Ohio statutes. This commission began its labors in 1875 and completed them in 1879. The commission consisted originally of three members, appointed by Governor Allen, viz., Michael A. Daugherty, John W. Okey and Luther Day. Luther Day resigned February 1, 1876, to accept a seat on the Supreme Court commission, to which he had been appointed, and John S. Brasee was appointed by Governor Hayes to fill the vacancy. John W. Okey resigned November 9, 1877, to accept a seat on the Supreme Bench, to which he had been elected, and his son George B. Okey was appointed by Governor Young to fill the office vacated by his father. At the termination of the work of this commission, in the fall of 1879, Mr. Okey resumed the practice of law at Columbus, where he has since resided. On June 22, 1885, he was appointed, by the judges, reporter for the Ohio Supreme Court, serving for one term of three years and editing vols. 43, 44 and 45, Ohio State Reports. In 1890 he was nominated by the State Democratic Convention for the office of judge of the Supreme Court, but with the remainder of the Democratic ticket was defeated at the election. Mr. Okey enjoys the merited reputation throughout the State of being a most able, learned and successful lawyer. Few practitioners at the Bar are so familiar with Ohio statutory law or the decisions of our courts. He has a most thorough knowledge of the principles of constitutional law, and his counsel and services are especially sought for in questions of that character. Mr. Okey was married December, 1872, to Miss Louise Schoomaker, of Cincinnati. He has two sons living.

LEVI JAMES BURGESS was born at Mt. Perry, Perry county, Ohio, September 4, 1848. His father was Jeremiah Burgess, and mother, Eliza Evans. He obtained his education in the country schools of his locality, but received his mental training and literary acquirements mostly in that best of schools, the teachers' vocation. From his early boyhood he was compelled to sustain himself. He was granted a teacher's certificate while yet in his teens. At an early age his resolution was firmly fixed to become a lawyer, and while teaching he entered upon the study of the law under the supervision of William E. Finck, a distinguished lawyer of Perry county, and for several years member of Congress from his district. This was at Somerset, then the county seat of Perry county. Mr. Burgess was admitted to the Bar August 26, 1873, and immediately began the practice at New Lexington, where he continued, being associated in partnership with Colonel L. J. Jackson and other members of the Bar at that place until 1879. By his magnetic disposition, brilliant oratory and universal popularity, coupled with great industry and natural legal ability, he soon occupied the most prominent position at the Bar of his county. He was nominated by the Democratic party of Perry county for the office of prosecuting attorney, and while the political complexion of the county rendered his election sure, he withdrew from the ticket because he was offered at that time special advantages for the continuation of his active practice in Hocking county. He thereupon removed to Logan, Hocking county, where

he formed a partnership with Judge Oakley Case, succeeding to the practice of John S. Friesner, who had just assumed the duties of the Common Pleas Bench. Mr. Burgess became counsel for the C. H. V. & T. Ry. Co. and some large coal corporations of that place. An extensive and successful practice occupied his attention. In the meantime Mr. Burgess had abandoned the party of his early faith, and had become an ardent Republican in politics. On September 17, 1888, he was appointed reporter of the Supreme Court of Ohio, when he removed to Columbus and became a member of the Franklin county Bar. As reporter of the Supreme Court he gave great satisfaction, performing the duties of that office with care and ability. Volumes 46, 47, 48, 49 and 50 Ohio State Reports were published under his supervision, and volume 51 was well under preparation when he was stricken with a sickness which caused his untimely death, on May 11, 1895. A distinguished member of the Franklin county Bar and one who knew him well, justly said of Mr. Burgess: "As a lawyer he disliked the drudgery necessarily attending the practice, but was an adept at drawing pleadings, and had few equals before the court and jury; his perceptive powers were keen, his memory and oratory unsurpassed, and he was a good trial lawyer. There are few men who have clearer or broader perception of legal principles than did Mr. Burgess, and whether his preparation of a case was thorough or otherwise he could present an argument which indicated thorough preparation. Those who knew him most intimately were amazed at his ready knowledge and ability for its display, and wondered when and where he gained it. He was not frequently seen consulting law books, and when he did he spent but little time with them, giving text-book or case a passing glance, making his notes in his memory, his apparent purpose being only to gather the thought of the writer or judge and make it at once his own, dressing it in his own language." Mr. Burgess was married to Miss Rebecca Ann Weller at Zanesville, Ohio, December 11, 1870. There are three children living, Alma, Levi J. and Lulu, the latter now Mrs. Frank Nau, of Portland, Oregon.

An article on the reporters of the Supreme Court of Ohio would be incomplete without mention of a volume of reported cases by John C. Wright. Mr. Wright was one of the judges of the Supreme Court, serving during the years 1831 to 1834, inclusive. At that time, under the legal organization of the court, the judges sat in bank at Columbus only three or four weeks annually. During the remainder of the judicial year the court was held in the several counties, in rotation, generally by two judges only, which number constituted a legal quorum, and it was the custom for the judges to relieve one another, so dividing their labor that each might perform one half the county circuit duty, as it was quite impossible for any one judge to participate in all of the trials of the entire circuit. Court was then held in seventy-two counties each year, requiring some twenty-two hundred and fifty miles travel. And there were on the trial docket, for instance, in 1834, in all fourteen hundred and fifty-nine cases. It inevitably followed, therefore, that the decisions of the court were largely "left to tradition, or

which, orally reported and cited by counsel, were made to reflect the various minds and memories of the reporters, and the interests advocated by them." Judge Wright took notes of cases at the trials in which he assisted, with the intention merely to help his memory in forming his opinions or in recalling previous decisions. These minutes and notes, upon retiring from the bench in 1835, he moulded into a volume known as "Wright's Reports," and published as a personal enterprise. While, therefore, not official, they have the authority of a learned, able and conscientious judge. This volume embraces the reports of four hundred and ninety-eight cases, duplicating but five of the cases contained in Mr. Hammond's Ohio Reports, Volumes 5 and 6, which two volumes cover the same period of time as "Wright's Reports."

In conclusion we may be permitted to say that the office of the Supreme Court Reporter has ever been maintained by occupants of high character and ability. The reports of the Ohio Supreme Court have always received in the other courts of the country recognition commensurate with the prominent and influential position of our State.

Since the days of Edward Coke, the office of court reporter has been one of increasing usefulness and importance in our judicial system. And Shakespeare's famous character, Hamlet, must have been mindful of the faithful performance of the function of this office when in his dying words he enjoined Horatio to "report me and my cause aright."

THE CINCINNATI LAW SCHOOL.

The first school west of the Allegheny mountains instituted for the purpose of imparting to lawyers professional instruction and qualifying them for practice was established in Cincinnati in May, 1833. It was a private enterprise, the work of a few public-spirited lawyers who had themselves received the benefits of education in special law schools of the East. Their own experiences and observations had convinced them of the advantages of special schools for professional study. The first term of the "Cincinnati Law School" was opened on the 7th of October, 1833. Two years later, to wit, in 1835, it was incorporated with the Cincinnati College, a literary and academic institution founded in 1819. For a period of more than sixty years thereafter the law school was conducted under the name of the "Law School of the Cincinnati College." As such it was housed in the college buildings and endowed from the college funds for the establishment of professorships and the formation of a law library. Early data regarding the conduct of this school are meager, but it is known that many prominent lawyers from time to time were entrusted with its executive management and its course of instruction. Among the eminent men who filled the office of president and dean of the faculty were Belamy Storer, Myron H. Tilden and Marshall E. Curwen. Most of the patrons of the school from the time of its first establishment have been from the State of Ohio. As nearly all of them remained in the State, they have greatly enriched the Bar of Ohio by their learning. The course of study adopted embraced three years, divided into Junior, Middle and Senior classes. The instruction included topical lectures and recitations from standard text-books. Hypothetical cases always had a place in the instruction as a means of making practical application of legal principles. The first or Junior year included both the general elements and the development of principles upon which each department of the existing law rests. It was the introduction to the topics taken up in later courses. It laid the basis for the advanced study of rights, wrongs and remedies, affecting person or property. During this year lectures were given upon the History of the Law, the relation of the English Common Law to American Law, the relation of the Feudal System to the existing Law of Real Property, the rise and the general province of Equity Jurisprudence. The Middle year took up Evidence, Criminal Law, Equity Jurisprudence; the Study of Cases; Torts; the Ohio Constitution; Domestic Relations; Commercial Law, etc. In the Senior year the study of Commercial Law is continued under various topics: Civil Procedure and Code Pleadings; Conflict of Laws; Real Property; Wills, Administrations, Insolvency; Corporations—

Private and Municipal, Highways, Eminent Domain; Equity Jurisprudence and Pleadings; Legal Ethics. Upon the completion of the course of study the degree of Bachelor of Laws is conferred, and the number of students who have been thus honored approximates five thousand. A library of about six thousand volumes has been collected, which comprises the works of the best writers on law and jurisprudence, and such reports of cases as are regarded important.

In 1877 Julius Dexter, who was at the time one of the trustees of the college, provided funds amounting to \$250 per annum for prizes to be awarded members of the graduating class, as follows: Seventy-five dollars for the member passing the best examination; seventy-five dollars for the best essay upon a subject designated; fifty dollars for the second best examination, and fifty dollars for the best performance in a public forensic discussion. Mr. Dexter continued this annual provision until 1881, when it was assumed by the board of trustees. In addition to the awards mentioned, a prize of seventy-five dollars has been awarded for the best examination in the Middle and Junior classes, and a prize of fifty dollars for the second best examination.

The Law School was continued as a part of the Cincinnati College until 1867. The last faculty comprised ex-Governor Jacob D. Cox, LL. D., Dean; ex-Governor George Hoadly, LL. D., Emeritus Professor; Honorable Henry A. Morrell, LL. D., Professor of the Law of Contracts, Torts, Wills and Assignments; Judge George R. Sage, LL. D., Professor of Equity Jurisprudence and Criminal Law; Judge Hiram D. Peck, LL. D., Professor of the Law of Corporations and of Evidence; Judge John R. Sayler, A. M., Professor of Commercial Law and the Law of Contracts; Francis B. James, LL. B., Lecturer on Statutory Law.

In June, 1896, the Law Department of the University of Cincinnati was organized, and in October of the same year it was opened. The board of directors intended to make it a genuine university law school. Before the close of the first year overtures were made by the board of directors of the Cincinnati College to bring about a union of the two law schools. A contract drawn up by a joint committee of the two boards of directors was ratified by both. It provided that a new school, to be designated "The Law Department of the University of Cincinnati," should be established permanently, and certain members of the faculty of the Law School of the Cincinnati College should be added to the faculty of the new school. A complete consolidation or union was thus effected. The faculty chosen for the year 1897-98 was composed of Judge William H. Taft, LL. D., Dean and Professor of Law; and the following named members designated simply as Professors of Law: Henry A. Morrell, LL. D.; Judson Harmon, LL. D.; John R. Sayler, LL. D.; Joseph Doddridge Brannan, A. M., LL. B.; Lawrence Maxwell, Jr., A. M., LL. B.; Gustavus H. Wald, A. B., LL. B.; Rufus B. Smith, A. B., LL. B.; Alfred B. Benedict, A. B., LL. B.; Harlan Cleveland, A. B.; Francis B. James, LL. B., Instructor in Statutory Construction and Real Property; Charles M. Hepburn, A. B., LL. B., Instructor in Code Pleading.

Like the old school, the course of instruction in the Law Department of the University comprises three years. It is modeled after the Harvard Law School, which is generally regarded the equal of any in America. The Case system is adopted instead of the Text Book system, which prevailed in the old school. The valuable library belongs to the new school. Moot courts are held under the supervision of members of the faculty. Law clubs have been organized by the students, as well as a general debating club. Briefs are required from those appointed to lead in the discussions of law questions. Every candidate for admission to the Law Department is expected to be proficient in orthography, punctuation, use of capital letters, paragraphing and English grammar. His proficiency is determined by a written essay. He is also required to translate correctly passages selected from Cæsar's Commentaries, or to read French and German at sight. He must have a knowledge of English and American history and understand mathematics, including plane geometry. These provisions for some literary and scholastic learning as the basis of any intelligible study of the law are wise. They cannot fail to encourage a higher standing and larger efficiency among members of the profession.

BIOGRAPHICAL SKETCHES.

RUFUS P. RANNEY, Cleveland. Among all the illustrious names preserved in the records of the Supreme Court of the State none is higher, nobler or purer than "Rufus P. Ranney." He died at his home in Cleveland on the sixth day of December, 1891, at the age of seventy-eight years. The sketch of his life, together with the analysis of his character and the estimate of his public services here presented, is the collaboration of Allen G. Thurman, Richard A. Harrison, Jacob D. Cox, Francis E. Hutchins and Samuel E. Williamson. The memorial prepared by Judge Williamson for the State Bar Association in 1892 furnishes the material relating to Judge Ranney's work in the Constitutional Convention, and some of his important judicial decisions. As a man, as a lawyer, as a judge, and as a statesman, he left a record without a blemish; a character above reproach; and a reputation as a jurist and statesman which but few members of the Bar have attained. Judge Ranney came from New England, a land of robust men of wonderful physical and mental fiber and endurance. He was born at Blandford, Hampden county, Massachusetts, on the 30th day of October, 1813. His father was a farmer of Scotch descent. In 1822 the family moved to Ohio, which was then a "western frontier." They settled in Portage county. In the son, the old blood of New England had its forceful inheritance; and his hard struggles with pioneer life were favorable to the full development of his great natural endowments, his inherited characteristics and the attainment of the highest excellence. The means of public instruction were quite limited; but the stock of intelligence in the family, with a few standard books brought from Massachusetts, coupled with an active, penetrating and broad intellect, aroused in the son a desire to get an education. And he had one of those exceptional minds that take learning by nature, as Shakespeare and Columbus did. Not until he had nearly arrived at man's estate was he able to manage, as he did by his manual labor and teaching in backwoods schools, to enter an academy, where he in a short time prepared himself to enter college. By chopping cord-wood at twenty-five cents per cord, he earned the money to enter the Western Reserve College, but, for want of means, he could not complete the college course. He made up his mind to study law; and at the age of twenty-one years he entered the law office of Joshua R. Giddings and Benjamin F. Wade and began his preparation for admission to the Bar, and in 1836 he was admitted. Mr. Giddings having been elected to Congress, the firm of Giddings &

Wade was dissolved, and, upon Mr. Wade's suggestion, he and young Ranney entered into partnership. This firm was the leading law firm in northeastern Ohio. In 1845 Wade was elected judge of the Court of Common Pleas. Shortly afterward Ranney removed to Warren, Trumbull county, which was the chief center of business and wealth in that section of the State. He at once commanded a large practice. In 1846, and again in 1848, he was nominated as a candidate for Congress; but his party being hopelessly in the minority, the opposing candidate was elected. In 1850 he was elected, from Trumbull and Geauga counties, a delegate to the convention which had been called to revise and amend the Constitution of the State. In this convention he served with distinction on the committees on the judiciary, on revision, on amendments, and others. His associates on the committee on the judiciary were Stanbery, Swan, Groesbeck and Kennon. Although he was then a young man, he was soon recognized as one of the leading members of the convention. In this body of distinguished lawyers, jurists and statesmen, there were few members who had as thorough knowledge of political science, constitutional law, political and judicial history, and the principles of jurisprudence, as Judge Ranney displayed in the debates of the convention. There was no more profound, acute and convincing reasoner on the floor of the convention, and in the committee rooms his suggestive and enlightened mind was invaluable. The amended Constitution conforms very nearly to the principles and provisions advocated by him. In March, 1851, he was elected by the general assembly judge of the Supreme Court, to succeed Judge Avery; and at the first election held under the amended Constitution in 1851, he was chosen to be one of the judges of the new Supreme Court. He was assigned the longest term and served until 1856, when he resigned and removed from Warren to Cleveland, where he resumed the practice of his profession as a member of the firm of Ranney, Backus & Noble. In 1859 he was the unsuccessful candidate of his party against William Dennison, for governor of the State. Three years afterward he was nominated, against his expressed desire, as a candidate for supreme judge. One of his partners, Franklin T. Backus, was nominated by the opposing party for the same office. To his own surprise, Judge Ranney was elected. He qualified, but resigned two years afterward, and resumed the practice of law in Cleveland. The demands upon his professional services were now more than he could comply with. Anything like a selfish regard for his own pecuniary interest would have induced him to select for his attention the most important and lucrative business that was offered; but the needs of a man or woman in difficulty or distress were more likely to secure his devoted services than the offer of a large fee. When the Ohio State Bar Association was organized in the year 1881, he was unanimously elected its president. Towards the close of his life Judge Ranney gradually withdrew from the practice of his profession; but the urgent solicitation of some old friend, or an attack upon some important constitutional or legal principle, drew him occasionally from his library to the court room. The announcement that he was to make an argument never failed to bring together

an audience of lawyers, eager to learn from him the art of forensic reasoning, of which he was a consummate and acknowledged master, and to be entertained and instructed by his sympathy and familiarity with the more recent advances in the science of jurisprudence. The well-earned leisure of his later years was far from being indolence. If he had needed an inducement to continue his reading and study, he would have found it in the pleasure it gave him to share with others the results of such study. He was anxious that young men should have the educational advantages which had been denied to him, and it was for the double purpose of helping to provide such advantages and justifying the confidence which had been reposed in him by a valued client and friend, that he devoted much of his time for several years to placing the "Case School of Applied Science," at Cleveland, upon a firm foundation and providing for it adequate buildings and equipment. From the time of Judge Ranney's admission to the Bar he found time, by means of his ability to dispose of business rapidly and by unremitting industry, to make up to some extent the deficiency in his early education. Accident and taste combined to direct his attention particularly to the language of France, and as soon as he could read it easily he made a profound study of her literature, politics, history and law. The civil law and the debates which resulted in the Code Napoleon became as familiar to him as the Commentaries of Blackstone, and had their part in forming his clear and mature conceptions of natural justice and views of public policy. Judge Ranney was a man of great simplicity of character, wholly free from affectation and assumption. He was a man of native modesty of character. He could have attained the highest standing in any pursuit or station requiring the exercise of the best intellectual and moral qualities; but his ambition was chastened and moderate, and he seemed to have no aspirations for official place or popular applause. While always dignified, he was a genial and companionable man, of fine wit and rare humor. He had singular powers of memory. Every fact, every rule, every principle, when once acquired, remained with him always. He combined extensive and varied general knowledge with remarkable accuracy of judgment. His originality of mind was not impaired by his accumulation of knowledge and the ideas of others. No man was more fearless in asserting the right, and in the performance of what he deemed his duty. His known integrity and honesty, and his never-failing common sense and sagacity in affairs of business, placed in his hands many weighty and responsible trusts, embracing important interests and large amounts of property. From the beginning of his career as a lawyer, by reason of the professional learning, the clear and persuasive method of reasoning, the nice power of discrimination, the strict sense of justice, the inflexible integrity, and the great practical wisdom which characterized and adorned all his efforts, he occupied the position of a leading representative of the Ohio Bar. He had remarkable power of analysis, and saw with the quickness of intuition the principles of law, as well as the right or morality of a controversy. In the argument of a cause he never made a useless parade of authorities. He used authorities only to

illustrate principles. While Judge Ranney was on the Bench he was one of the strongest administrative forces of the State government. He held a place of his own. He was a personal force whose power was profoundly felt in the administration of justice throughout the State. He made a deep and permanent impression on the jurisprudence of Ohio. His facility and accuracy in disposing of business was owing, in a large measure, to his almost unequalled habit of concentration on the business before him—the analytical structure and logical action of his mind, his acute perception of the crucial points in a cause, his comprehensiveness of view, and his quickness in discovering how natural justice and equity suggested a controversy should be decided. His most distinguished trait was his grasp of general principles, in preference to decided cases. He never ran to book shelves for a case which had some resemblance to that in hand, perceiving as he did, that the resemblance is frequently accidental and misleading. To consider questions of constitutional law, or of public policy and justice, was above all things congenial to him. He took large views of every matter or question with which he had to deal. He was at his best when under the stimulus of working to solve a great and difficult constitutional or legal problem. Difficulties melted away under the fire from his keen and powerful intellect. His reserve force never failed him. Occasionally, in hearing or deciding a case, his broad and mellow humor and bright imagination illustrated or illumined the questions involved. He was always courteous on the Bench, and no member of the Bar, young or old, ever had just cause to complain of unfair treatment at his hands. On the Bench, as at the Bar, he never extended any hospitality to loose notions of professional ethics. Judge Ranney's rich style furnished unmistakable evidence that he had drunk deep at the wells of English undefiled. His reported judicial opinions, all of which are characterized by inherent strength and breadth, and dispassionate and unbiased judgment, show he had great facility in clear, precise, forcible expression. No one could say a plain thing in a plainer way, nor deal with an abstruse subject in a clearer manner. In oral argument or public discourse, he gave a sort of colloquial familiarity to his utterances. No one could use an apt illustration or an amusing anecdote with greater effect. He never declaimed. He was as wise in what he left unsaid as in what he said. There was never anything puerile or irrelevant in his arguments. They were characterized by a vigor and grasp of mind, a full possession of the subject, and a fertility of resource whenever an emergency arose requiring him to bring to his aid his reserve power. Upon occasion, no one could use sarcasm with greater effect; but the blade he used was the sword of the soldier, not the dagger of the assassin. Judge Ranney had those qualities of simplicity, directness, candor, solidity, strength and sovereign good sense which the independence and reflective life of the early settlers of the western country fostered. At the Bar, or in his own library, he was one of the most interesting of men. He had a just economy of labor; he never did anything which men of narrower capacity could do for him well enough. He did not expend upon his work any superfluous strength. It is

unfortunate that his great powers were not called into use upon the broadest theater. Had he been given a seat upon the Bench of the Supreme Court of the United States, as was in contemplation when he was in his prime, he would have enriched not only his own fame, but the country would have had additional reason to be justly proud of institutions under whose fostering influences men like Judge Ranney are entrusted with the highest civil authority, and the protection of the rights and liberties of the citizen. He was himself a firm believer in representative government ; insisting, however, that in order to perpetuate it, its abuses and evils must be plainly exposed and resolutely resisted.

In the Constitutional Convention Judge Ranney was made a member of the committee on the judicial department, chairman of the committee on future amendments to the Constitution, and chairman of the committee on revision, enrollment and arrangement. His part in the convention was largely the result of his intense belief in democracy ; not Democracy in a partisan sense, although that belief determined his party fealty also, but democracy in the first and best sense, as meaning government by the people. He trusted the people thoroughly, and although the character of the voting population of the State gradually changed before his death, his faith in the people continued to be so strong that he looked forward to the outcome of every struggle, in which both sides had a fair hearing, as sure to be wise and right. Without this key to his votes and speeches they would be sadly misunderstood. He favored every proposition to limit the power of the executive and the legislature, except as the duty of legislative action to restrain encroachments upon the rights of citizens could be imposed upon the general assembly. His faith in the people led him to wish for them a larger share in the administration of justice, and to desire that every court should be to some extent a court of first instance, and he would have had every question of fact, in equity as well as at law, referred to a jury. He favored biennial sessions of the general assembly. It was said in favor of annual sessions that one of the principal means by which the people had been able to secure, generation after generation, a portion of their rights under the British government was frequent elections and meetings of public bodies. But while he conceded this, his answer was that in England all power exercised by legislative bodies was taken from the monarch ; here, from the people. There the people would not fail to gain by legislative action ; here they could not fail to lose. He opposed the proposition to give the governor a qualified veto, which was supported by the argument that it would prevent much ill-considered legislation. He admitted that inconsiderate legislation had been a sore evil, but in his opinion it arose from the fact that the people of Ohio had theretofore delegated too much power to the departments of government. The remedies that he proposed were to take away patronage from the legislature, to require important laws to be submitted to a direct vote of the people, and to receive a majority of the votes of both branches of the general assembly by yeas and nays. The first and last of these remedies were applied by the Constitution with good results. He supported with success an

amendment to the report of the committee reducing the term of senators from four to two years. He proclaimed emphatically the opinion that the people should not delegate their power for any longer time than was necessary; that the Senate ought to be as popular as the House; that to say that the Senate ought to "hang back and hang on," to save the people from themselves, was a part of the old argument that the people were incapable of self-government. He repudiated it from his very soul. He had not one particle of sympathy for it and it never could have any foundation whatever in his political creed. The committee on the legislative department reported a section forbidding the general assembly to pass retroactive laws, or laws impairing the obligations of contracts or their remedies. Judge Ranney opposed the introduction of the words "or their remedies," but gave the remainder of the section his cordial and effective support. The provision against retroactive legislation was then a new constitutional principle, the term "retroactive" being much more broad and comprehensive than the phrase "ex post facto," then in common use. It was urged by such able men as Judge Hitchcock that the power of the retroactive legislation had been exercised beneficially, but Judge Ranney pronounced it dangerous. In his judgment the power of curing errors, defects and omissions should be reposed in the courts, and so the convention ultimately decided. He considered that as men became more enlightened the stringent laws required to protect the rights of individuals in an uncultivated state of society became unnecessary, and the legislative power should be restrained in proportion. It was Judge Ranney who first proposed that the creditors of corporations should be secured by the individual liability of stockholders, although the form and extent of the proposition were somewhat changed by amendment before its adoption. He met strong opposition from many delegates, who agreed with him that, as an abstract principle, it was right that stockholders should be responsible for the debts of their corporations, but contended that it was impolitic to so provide in the Constitution, because it would check public improvements. With terrific sarcasm he replied that to barter away principles in order to push forward prematurely works of public improvement would be "making a most miserable swap," and with eloquence he denounced the abandonment of political principle in matters of legislation. He favored the proposition for the reformation of civil procedure. His ideal of a lawyer was high. In his opinion no one could occupy a respectable position in the legal profession without a knowledge of law as a science, which could be attained only by the most assiduous labor and application. He wanted the profession to be relieved of the miserable jargon and mystery of forms and technicalities, that it might be left to pursue the noble study of the rights of man, the rights of property and all the varied relations of life subject to legal regulations. He took an active part in the discussions on education, the elective franchise, capital punishment, levying poll taxes, finance and taxation, and the repeal of corporate franchises. His views upon all of these matters were pronounced, but the combined wisdom of all the delegates was wiser than the wisdom

of any one; so in the closing hour of the convention he had occasion to say that after a careful review of the whole instrument, of all its parts, of every line and word, he believed before God and man that it was one of the best, if not the best, of the Constitutions of American States; and if the people of Ohio were not well governed thereafter, it would be the fault of the people, for the whole responsibility then and thereafter was upon them. He devoted his best thought and labor to the judicial article. His chief objection to it was that it removed the courts of last resort too far from the people. He objected to County Courts with such limited jurisdiction. He objected to the District Courts because they might be held at only one place in the district, and consequently lawyers and witnesses might be compelled to travel a hundred miles for trial. But most of all he objected to the Supreme Court, because it was to become substantially a Court of Errors, sitting at Columbus. He looked upon the circuit system as absolutely indispensable. In his judgment a mere paper court would become but little better than mere papers themselves, and might as well be filed away in some secure place in the Capitol. It was an insurmountable objection that no judge of the court was ever to participate in a trial, face a jury, see the parties, hear the witnesses, study human nature as exhibited in a trial at court, or mingle with the people. He also wanted the effect of the circuit system upon the people, because he believed that no court could acquire that power, dignity, influence and authority in the eyes of the people, which it ought to have, unless it acts among the people, performs its duties in their sight, and places in their view the practical workings of the system of judicial power which acts upon and protects their interests. He and others who agreed with him were able to secure the abandonment of the County Courts, for which Probate Courts were substituted, and a provision requiring District Courts to be held in every county. This was justly considered a great triumph, but they were unable to secure any substantial change in the duties of the Supreme Court judges, who, as business increased, were gradually withdrawn from District Court duty until they composed simply a Court of Errors sitting at Columbus. The old Supreme Court, under the leadership of Judge Peter Hitchcock, was one of the ablest courts in the United States, and was acknowledged as such wherever the common law prevailed. It was remarkable for taking certain practical views of the law which were widely accepted and applied to a great variety of cases. Judge Ranney found himself in thorough sympathy with them, as they satisfied at the same time his feeling of veneration for the principles of the common law and his love of justice. One of his first opinions is an illustration of this. The owner of a judgment had accepted payment for about one-third of its amount, and one hundred dollars for attorney's fees, in satisfaction of the whole, and he refused to enter the satisfaction. The court recognized the existence of the rule that the payment of a sum less than the sum due upon a liquidated judgment, although agreed to be received in full satisfaction, could not be insisted upon as such for want of a valuable consideration. Judge Ranney, in giving the opinion, would not set aside this rule;

he had too much regard for well settled principles. But he had no hesitation in pronouncing both the reason and the rule purely technical, and said that there was nothing of principle left in the rule itself. He therefore held that the payment of one hundred dollars to the attorney instead of the judgment creditor, was a sufficient consideration to take the case out of the rule. "I am aware," he said, "that this is an exceedingly technical and unsatisfactory reason, but its justification is found in the fact that the plaintiff seeks to escape from his solemn engagement, by which he has obtained money from the defendant by the aid of a technicality. To prevent the consummation of such a fraud, he is met with technicalities nearly as absurd as that upon which he insists." A somewhat different illustration of the view which the court took of the force of the English Common Law, which also shows the effect of Judge Ranney's early life upon the formation of his opinions, is found in his opinion of cattle running at large. (*C. H. & D. R. R. Co. vs. Watterson*, 4 O. S. 424.) After holding that before any statutory inhibition the owner of domestic animals was not in fault in suffering them to run at large, he said:

"I am aware that this is flatly opposed to the common law doctrine upon the subject, and if the rule of the common law was enforced in this State it would be entirely inadmissible; but it is not in force, and it is not in force because, in addition to being utterly inconsistent with our legislation, it lacks all the essential requisites that give vitality to any principle of the common law and is opposed to the common understanding, habits and even the necessities of the people of the State. Indeed, with the strict enforcement of such a rule the State could never have settled. The lands were all heavily timbered, and the introduction of domestic animals, from the scarcity of herbage, requiring a wide range for their support, became indispensable before the forests could be removed. It would have been a novel proposition to a sturdy pioneer, when he listened in the morning for the bell that indicated where the oxen that had hauled his logs together for burning might be found, to have told him that his cattle were trespassers on every other man's unenclosed land upon which they might have fed during the night; or that he could plant corn without enclosing the ground, and sue his neighbor whose cattle had eaten it up."

The tendency of the court in Judge Ranney's time to sustain the title of occupants of land under generally acknowledged titles whether strictly legal or not, as against those who sought to gain possession under technical rights after the lapse of years, is shown by his opinion in *Lessee of Blake vs. Davis* (20 Ohio, 231). The title of the plaintiff came from a married woman. The title of the defendant came through an administrator's sale which had no validity. An allotment had been made by the trustees of the district known as the Ohio Company's Purchase, and the plaintiff claimed that the woman who was his grantor was entitled to the benefit of the presumption that a deed had been delivered in pursuance of the allotment. The court conceded that the claim was well founded if the plaintiff was in a position to avail himself of it; but after a careful review of all the authorities Judge Ranney said that the whole doctrine rested upon the idea that titles and possessions are to be quieted, not disturbed by it; that right and justice are protected in its applica-

tion, not injured ; in short, that it is only what ought to be done that can be considered as done. Referring to the plaintiff's grantor, he added : "She has no legal advantage, but now seeks by presumption to get it. To get it she must present an honest, not a technical case. She cannot in honesty take this land from the occupants while her father's estate was relieved by the very money that paid for it, and when she has acquiesced in the action of the administrator for more than half a century. I know it is said that she is a married woman, but I have yet to learn that even a married woman has a right to do a wrong. We take from her none of her rights ; we only prevent her from taking the rights of others." It was Judge Ranney who pronounced the opinion, reviewing all the authorities in England and America, in which the rule was settled for Ohio that the transfer of a negotiable promissory note secured by mortgage on real estate to a bona fide endorsee, does not entitle the holder to foreclose the mortgage when it appears that both note and mortgage were obtained by fraud. (*Bailey vs. Smith*, 14 O. S., 396.) "Mortgages," he said, "are not necessities of commerce ; they have none of the 'attributes of money ;' they do not pass in currency in the ordinary course of business, nor do any of the prompt and decisive rules of the law merchant apply to them. They are 'securities' or 'documents for debts,' used for the purposes of investment, and unavoidably requiring from those who would take them with prudence and safety, an inquiry into the value, condition and title of the property upon which they rest ; nor have we the least apprehension that commerce will be impeded by requiring the further inquiry of the mortgagor, whether he pretends to any defense, before a court will foreclose his right to defend against those which have been obtained by force or fraud." Perhaps the decision of most far-reaching influence and importance in every-day practical affairs which he ever delivered, was in the case of *Railroad Company against Keary* (3 O. S., 201), which elaborated and made effective a rather weak decision of Judge Caldwell in 20 Ohio, 314. The latter held that when an employer places one person in his employment under the direction of another also in his employment, such employer is liable for injury to the person of the servant placed in the subordinate position caused by the negligence of his superior. Judge Ranney in the case of *Keary*, with the unanimous concurrence of the court, declared the rule and the principle thus tersely : "No one has the right to put in operation forces calculated to endanger life and property, without placing them under the control of a competent and ever-acting superintending intelligence. Whether he undertakes it, or procures another to represent him, the obligation remains the same, and a failure to comply with it in either case imposes the duty of making reparation for any injury that may ensue." W. S. Kerruish contributes the following from his personal recollections :

"I was a law student in the office of Backus & Noble at the time Judge Ranney removed from Warren to Cleveland and became the head of that firm in 1857, after his first resignation from the Supreme Bench. Not long thereafter Mr. Backus was chosen as the Republican candidate for Supreme Judge

of the State, and the Democratic party selected from the same office as its candidate for the same Bench, Judge Ranney. It was said at the time that these candidates were both alike not only surprised, but also each disappointed, at the result of the subsequent election—Mr. Backus at being defeated, and Judge Ranney at being elected. My knowledge of him began upon his accession to the above named firm. He was then in his early prime. Though comparatively young, he had already attracted the attention of the Bar of the State for the grasp and vigor of his mind, for the marked ability with which he dealt with constitutional questions, and for his extraordinary judicial force and clearness. Anterior to his elevation to the Bench, as one of the younger members of the constitutional convention and as one of the most active of the committee on judiciary in that body, the marked ability displayed by him in counsel and debate may be said to have first challenged general attention. Judge Peter Hitchcock, himself a member of that body and having for nearly a generation been an occupant of the Supreme Bench of Ohio, in the light of young Ranney's capability, and the constructive character of his talent, then prophesied that his young Democratic colleague would one day be the leader. An examination of the two volumes containing the proceedings and debates of the convention will disclose that although in the first part of those proceedings Ranney's appearance was unfrequent—he was a modest man—yet before their deliberations were half ended he appears to have found his place, and the convention to have found its man; and the result is that the admirable judicial system imbedded in our Constitution to-day bears the marks of no other man's genius so visibly as it does that of Rufus P. Ranney. So much by way of introduction, and as the background of a few impressions made on my mind by him when he took his place in the office of Backus & Noble. I was less brought into contact with him, he being the leading member of the firm, and to some extent a stranger in the city, than a law student under similar circumstances might be at the present time, perhaps. As I remember it he was not especially communicative or effusive. I do not mean that his manner was repellent, or that he was difficult of access or unduly dignified; but the impression the average young man would get of him in those days could be expressed as follows: 'There's a man who can tell us all about it; but state your point clearly, avoid all circumlocution, nonsense, and irrelevancy, and he will tell you all about it.' There were old friends—friends of his earlier practice, Judge Spaulding, Judge Tilden, Judge R. F. Paine, and others—with whom he delighted to unbend himself, and they often met, and notwithstanding the gravity and dignity of the interlocutors, the wit and banter and merriment and good humored personality, long to be remembered by the listener, would equal the best pages of *Noctes Ambrosianæ*, and Judge Ranney was not behind any of them. I have an experience of his wonderful tact and delicacy in encouraging a beginner. It fell to my lot at the commencement of my practice to defend an old gentleman for a felony in which, if there were pretty strong symptoms of technical guilt, there was at least the mitigating circumstance of ignorance and inexperience; and my client, becoming alive at last to the gravity of the situation, suggested that I get additional counsel. I selected Judge Ranney. He took the second place at the trial table, and notwithstanding my protest, firmly but courteously declined to take the first place. He omitted nothing, however, by way of suggestion, but clothed every suggestion with such outward circumstances of deference to his young associate as to carefully conceal any consciousness on his part of my inexperience or his superiority. In this his art in concealing art seemed to me perfect. In his argument, whether to court or jury, in the one respect so many seem to me to

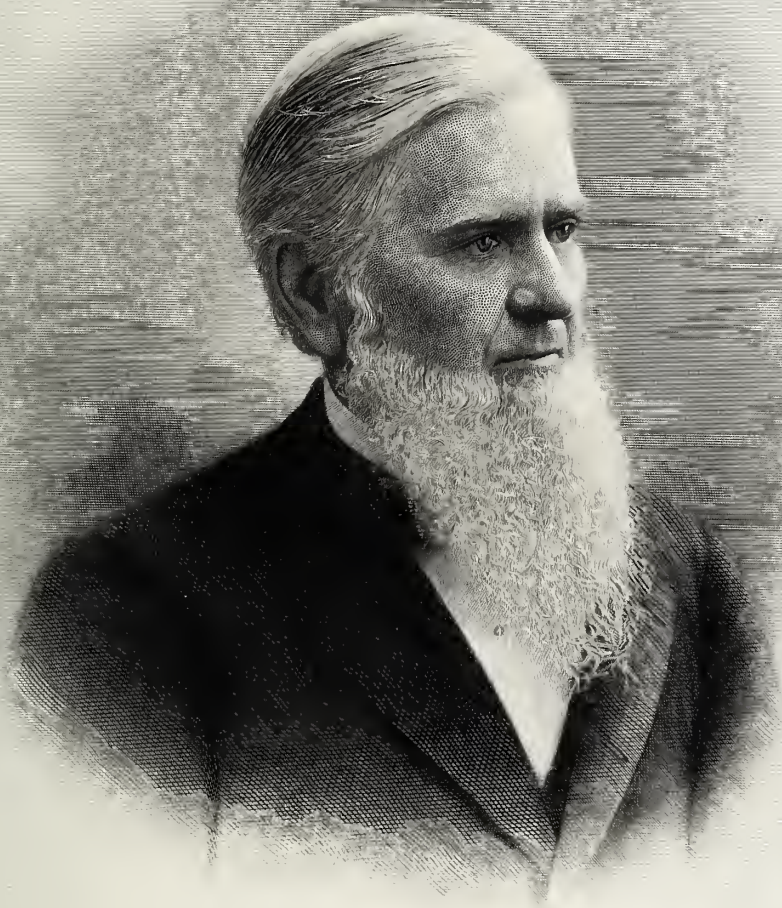
fail, namely, observance of the due proportions of things, he had no superior. It was not his habit to come into court loaded down with books—one or two authorities, in which the principle was enunciated, generally sufficed him. His reasoning was masterly, and if his premises were admitted it was exceedingly difficult to escape his conclusions. He never indulged in the habit of dwelling on unimportant things. He never wearied the listener with complicated details about irrelevant matter. He saw the real issue at a glance, and dealt with it directly. The most marked characteristic of the man was his wonderful power of perception. I am unable to give instances; but what other men attain to by much study and the comparison of many data he appeared to arrive at instinctively and instantaneously. I have seen him come into the court room and, casting a quiet glance around among the persons present, he would seem to have divined in some mysterious fashion not only what had been going on, but what was in contemplation, almost as well as some others could ascertain the same facts by half an hour's cross-examination."

In the course of a public address at the "Old Roman" banquet Judge Thurman thus referred to him:

"For forty years I have been a devoted friend of Rufus P. Ranney, and I firmly believe that he has been mine. It may therefore be permitted to me to say that of all the great lawyers I have ever known, no one ever seemed to me to be so happily constituted for the office of a judge as Rufus P. Ranney. With the quickness of apprehension almost supernatural, with the power of analysis that Pascal might have envied, with an integrity that never for a moment was or could be brought into doubt, with a courage that never permitted him to fear to do what he believed to be right, with an industry that brought all his great qualities into successful operation, and with a mind cultivated beyond the sphere of his profession, he is, in the eyes of those who know him as I know him, a man of whom Ohio is and always will be most justly proud. He is a star in her firmament that will never be blotted out."

Judge Ranney never sought to appear learned, but rather to adapt his argument to the comprehension of the weakest member of the profession and of a layman. The course of his reasoning is readily followed to a conclusion which is impregnable. His style is charming, his choice of words felicitous. Clearness of expression is matched by purity of diction. His opinions are not more noteworthy for the soundness of the conclusions reached than for the beautiful simplicity of the language in which they are clothed. His tastes were simple and domestic. His home life, in its affection, confidence and constancy, exhibited the gentler traits of his strong character. His attachments to wife and children were of the tenderest and most enduring quality. He married Adeline W. Warner, who at the age of seventy-eight survives and is greatly beloved. Mrs. Ranney was a daughter of Judge Jonathan Warner, of Jefferson, Ashtabula county, who was an associate judge of the Common Pleas, and one of the pioneers of the State. Their family consisted of six children, four sons and two daughters. Both daughters and two of the sons are dead. One son, John R. Ranney, was educated in the law, but is not now engaged in practice. The other son, Charles P. Ranney, is a successful business man of Cleveland.

WASHINGTON W. BOYNTON, Cleveland. Honorable W. W. Boynton, ex-judge of the Supreme Court, was born in Russia township, Lorain county, Ohio, on the 27th day of January, 1833. His father, Lewis D. Boynton, a farmer, came to Ohio from Maine in 1826, settling in that township. He cleared a large portion of the land in Russia township. In the early times he was a brigadier general of militia and took an active interest in public affairs. On the paternal side Judge Boynton is a direct descendant from Sir Matthew Boynton, who was created a baronet on the 25th of May, 1618, was a member of the English Parliament in the reign of Charles I. and sided with the Republicans during the civil wars. His second son, Matthew, who married Elizabeth, daughter of Robert Stapleton, came to America about 1632, settling in New England. His mother, Ruth Wellman, was born in the State of Maine. She was of English extraction, her ancestors also settling in New England at an early date. Washington's education was in the common schools and later in the academy, known in those days as the select school. He did not have the advantage of a collegiate education. At the early age of sixteen he commenced teaching school. He taught during the winters at first, and from 1855 to 1857 a select school in Amherst township. During this period and for some time thereafter he was the examiner of teachers for Lorain county. From his earliest boyhood the neighbors used to say he was cut out for a lawyer, and he took to the profession naturally. Thus, having a taste for the law, he commenced its study during the time he was teaching, under the direction of his uncle, Elbridge Gerry Boynton, who was a prominent lawyer. While teaching he was admitted to the Bar, but did not regularly take up the practice of law until 1858, when he moved to Elyria and formed a partnership with General Sheldon. In 1861 General Sheldon went into the army, so this partnership was dissolved. From the spring of 1859 to the fall of 1863 he was prosecuting attorney for Lorain county. During his term of office he formed a partnership with John C. Hale, then a promising young attorney. This partnership also continued but a short time. As the subject of this sketch was in ill health, he was compelled to give up his practice and go west, young Hale becoming prosecuting attorney. His health having become practically restored, he returned home and formed a partnership with L. B. Smith. This partnership continued until February 9, 1869, when Governor R. B. Hayes, afterwards President of the United States, appointed him judge of the Court of Common Pleas for the Fourth Judicial District, comprising the counties of Lorain, Medina and Summit. He remained on the Common Pleas Bench until February 9, 1877, when he took his seat on the Supreme Court Bench, having been elected at the fall election of 1876. He discharged the duties of justice of the Supreme Court for nearly five years when, again, owing to ill health he was forced to resign. He came to Cleveland, but his reputation as a great jurist and lawyer preceded him; so on opening an office he found plenty of clients. His practice grew so rapidly that he soon realized the necessity of assistance and he invited his former partner, Judge Hale (who had succeeded him on the Common Pleas Bench), to become his partner. After due consideration



W W Boynton

Judge Hale decided to accept, and tendering his resignation as judge of the Fourth District, he came to Cleveland, and the firm of Boynton & Hale was formed. Their practice was a very extensive one. They were interested in many of the most important cases tried in this county. In 1888 the firm became Boynton, Hale & Horr, continuing so until Judge Hale was elected to the Circuit Court Bench, when it continued as Boynton & Horr. January 1, 1897, Judge Boynton retired from the firm and he is now devoting himself to the trial of special cases, and assisting other lawyers in the trial of causes involving important legal questions. Few men at the Ohio Bar are better suited and equipped for this character of practice. His long experience acquired on the Bench and from his active general practice, coupled with an extraordinary legal mind, makes him to-day an acknowledged leader at the Bar. Judge Boynton has always been a great student, devoted to his profession; has a wonderful memory, a quick mind, a thorough knowledge of the law, and the faculty of recalling the particular decision applicable to the question at issue. These qualifications make him especially happy in the trial of cases. He is indeed a great advocate. His management of the trial of a cause is superb; like a great general, he is quick to see the weak points and to reinforce them before it is too late. As a man, jurist and lawyer he is free from those fixed prejudices which so frequently keep the brilliant down. Loyal to his friends, just in his dealings, he commands the respect and confidence of all. In politics he is a Republican, always taking an active interest in questions affecting the good and welfare of the people. In 1865, '66 and '67 he was a member of the Ohio legislature and it was he that offered the resolution to strike the word "white" from the provision of the State Constitution regulating the right of elective franchise. The resolution met defeat in the House on the first vote. A similar resolution was afterwards introduced in the Senate, and passed, came back to the House and after a bitter fight was adopted and went before the people at the ensuing State election, and the Democrats on this issue defeated the Republicans by more than 40,000 majority. It was this more than anything else that sent Allen G. Thurman to the United States Senate. Shortly afterwards Congress amended the Constitution, and the question of franchise was settled for all time. Judge Boynton married Betsey A. Terrill, who was born in Ohio, but of an old Connecticut family. They have never had any children. Mrs. Boynton is living.

FRANKLIN T. BACKUS, Cleveland. It is a common reflection that the fame of great lawyers is of fleeting duration. Unless elevated to high judicial station or made conspicuous by distinguished political service, the mere lawyer—no matter how learned or accomplished—dies, and the memory of his great deeds and eminent services soon fades away and is forgotten. Ohio has had her proportion of great lawyers, and her most prominent sons have taken their rewards in the highest honors of the nation. We recall a goodly

assembly of these men: Justice John McLean, a model of judicial dignity and learning; his noble presence, benignant countenance and gracious manners won for him the regard of all who came within his influence. There was Thomas Ewing, towering above all his fellows in height, breadth and intellectual power, the undisputed head of the legal profession in our State. Here was Corwin, that genius whose silver tongue, unrivalled powers as an orator and statesman, made him the idol of the people. Here was the grand and graceful person of Henry Stanbery, tall as a cedar, dignified, courteous in manner, a face remarkable for refinement and manly beauty. From Lancaster came Hocking H. Hunter, a pattern of judicial integrity, beloved and honored by all who knew him, for his abilities and virtues. From Cincinnati, Judge Walker, Judge Storer and Salmon P. Chase, who closed his great and useful career as Chief Justice of the United States. The members of the Bar of Cuyahoga, at the time Mr. Backus came to Cleveland, held high rank with their brethren throughout the State. It is only necessary to name Sherlock J. Andrews, Moses Kelly, Horace Foote, Charles Stetson, Samuel B. Prentiss, Samuel Williamson, Henry B. Payne and Thomas Bolton, to realize how strong was the intellectual and moral force of the Cleveland Bar. These men, with many others worthy to be named with them, were for nearly forty years leaders of the profession. They were men of liberal education, careful training, great industry, and remarkable in any age for talents and varied learning. They all won high distinction as lawyers and citizens. It was in 1836 that Mr. Franklin T. Backus came to Cleveland and began the study of law. He brought his fortune with him in a fine, manly person, a most engaging countenance, a clear, discriminating mind, ambition for success, persistent industry, a stainless character, the best education Yale College could give, inflexible honesty, which, through a long and active life, was never questioned, and talents of superior order. He was born in Lee, Berkshire county, Massachusetts, May 16, 1813. While Mr. Backus was quite young his father removed to Lansing, New York, where he soon died, leaving the widow and several children with but scanty means for support. His parents were of the Puritan race, and young Backus was carefully trained in the religious faith of his ancestors. He early took upon himself the hardy labors of the farm that he might aid his mother in her necessities, and he often spoke of this period of his life, when he laid the foundation of that vigorous constitution which in after years enabled him to bear the greatest mental toil with endurance that seemed to know no limit. But as the youth grew toward manhood his early desire for knowledge became the mastering passion of his life, and he determined to acquire a thorough classical education. In a comparatively brief period he fitted himself for the Junior year and entered this class in Yale College, after a careful examination, in 1834. He graduated two years afterwards with so much distinction that he was at once tendered the position of assistant professor of mathematics in that institution. For a time after his arrival in Cleveland, Mr. Backus supported himself by teaching a classical school, and soon afterwards entered himself law student in the office of Bolton & Kelly.

He was called to the Bar in 1839, and almost at once attracted the attention of the public, and entered upon that successful practice which became larger and wider until the close of his useful, honorable life. In 1841 he was elected prosecuting attorney of the county, was re-elected and served with special ability, gaining the esteem of the public and the Bar. In 1846 he was elected a Whig member of the Ohio House of Representatives. In 1848 he was elected to the State Senate, where his unusual talents, force of character and fitness for the position, made him prominently named as a suitable candidate for the Senate of the United States. He was afterwards nominated, both for member of Congress and judge of the Supreme Court of Ohio, by the Republican party, and failed of election only because of the non-success of his party in those years. In 1840 he made a law partnership with Honorable J. P. Bishop, which continued fifteen years. On the election of the latter to the Bench, Mr. Backus became the partner of Judge Rufus P. Ranney, the eminent lawyer and jurist, and the firm of Ranney, Backus & Noble became widely known and respected as any in the State. Afterwards he was a partner of Mr. Estep, and continued in this relation to the time of his death. The high standing Mr. Backus held in the esteem of the people as a lawyer was indicated by his being chosen once by the Whig party and once by the Republican party as a candidate for Supreme Judge. In 1861 he was appointed by Governor Denison a delegate to the peace conference, which met at Washington on the 4th of February. His associates were Salmon P. Chase, Thomas Ewing, William Groesbeck, Reuben Hitchcock, V. B. Horton and Christopher P. Wolcott, the latter being appointed to take the place of John C. Wright, who died soon after reaching Washington. In 1864 Mr. Backus, who for years had been a distinguished leader of the Republican party, became dissatisfied with the administration in regard to the management of the war, and greatly to the distress of his immediate friends, gave his support to General McClellan for the Presidency. In 1866 he was one of the delegates to the National Convention at Philadelphia to form a new party. In 1868 he was the nominee of the Democratic party for Congress in the Cuyahoga district, but was of course defeated. Perhaps no higher tribute can be paid to the memory of Mr. Backus, and prove the genuine respect all men had for his integrity of personal character and pure life, than the fact that while Mr. Backus changed his political associates, and gave his great influence to the party he so long had opposed, and at a time when party spirit was the most bitter ever known in modern times, no man was found to doubt his absolute good faith in pursuing the line he regarded as right, and that he was acting from the most conscientious sense of duty and honor. It was evident from the time Mr. Backus came to the Bar that he was destined to achieve success and distinction. He was a man of warm, generous impulses, of pleasing address, quiet, unostentatious manners, persevering application, a man who could wait as well as work. He had an ardent love for his profession, a mind trained to close, patient study and profound reflection. His industry was tireless. He was not a genius, and learned

for success on none of the arts or tricks by which popular applause is sometimes gained; but slowly, logically, with methodical labor and painstaking diligence, pushed himself to the very front rank of the Bar of Ohio. The firmness of his character, love of truth, rigid honesty, and the trust all men had in the purity of his life, gave him vast influence with court juries. The cause of his client was a solemn trust. He gave to it all he had of learning, influence and power. Neither his health, comfort nor inconvenience was allowed to interfere with what he regarded as his first duty. Courteous, genial and kindly at the Bar, treating his brethren with unaffected friendship of manner; yet if he felt his client was unjustly treated by Bench or lawyer, the sleeping lion was aroused on the instant. At once the quiet, modest man bristled at all points, like a warrior ready for battle; and his weapons of offense and defense were ready at the moment. In the preparation of his case nothing escaped his scrutiny. The law and facts were fully known to him. If he lacked the faculty of brevity and conciseness in his argument, he never left his case until he had demonstrated every point, answered as far as possible every objection. When he concluded an argument the whole field had been actually explored. The judge had been told the law, the jury the evidence and the facts. Over juries he had great influence, not because he was brilliant, magnetic or eloquent, but from the confidence they placed in the integrity of the man. They thought his love of justice was superior to his desire for success, that he tried to do right, that he never sought to gain his causes by practicing in any manner deceit or art, but always appealed to their sense of justice and fair dealing. Juries are often carried away by the charms of a silver tongue, but the great success Mr. Backus achieved as a jury lawyer came from his sound sense, patient study, real candor, a belief in the worth of a man, his powers of persuasion, indomitable will and exhaustive knowledge of the subject before him. No man could look at Mr. Backus for a moment without realizing that he was a man of great natural intellectual powers. But he owed all his success in life to honest industry and hard work. His memory was tenacious, and in after years the stores of knowledge he had acquired as a student became a mine of useful wealth. That which he knew he knew thoroughly. He was wise in all departments of the law; as a safe, prudent, sound counsellor he had no superior. All classes of society trusted him alike. As Judge Ranney said of him, "he was more resorted to for advice in important matters than any other member of the Bar in Cleveland." For many years he had the most lucrative practice in the county. In the later years of his life he was the leading lawyer in all special matters where the vast interests of railroads were concerned, and he had much to do in fixing the principles of the law which have since governed the courts in our State in regard to these great corporations. Those who attended the trial many years ago of Brooks, who was prosecuted for murder, for placing obstructions upon a railroad track, whereby a train was wrecked and persons killed, and heard Mr. Backus, in his remarkable speech, sum up the law and the facts against the prisoner, felt that a master of the criminal law was addressing the jury. As

he welded with invincible logic the links in the chain of guilt around the prisoner; as he took circumstance after circumstance, slight and delicate in themselves alone, fitting them together with the highest skill and mathematical certainty, there was a feeling all over the court room that the doom of the prisoner was fixed as fate. The judge was deeply moved and profoundly interested. The jury scarcely stirred, so absorbed was their attention. As the waning day brought almost twilight gloom into the court room, as the crowded audience listened with painful silence to every word that was spoken, as Mr. Backus, solemn, earnest, in the prime of his vigorous powers, crushed the hopes of the prisoner, darkness did indeed seem to settle upon the miserable man, and the hope he had relied on—that no eye had seen his crime and no confidant shared his guilt—faded away, and he saw the awful doom of the outcast and murderer to be his own. The jury found the defendant guilty of murder in the second degree, and he was sentenced to imprisonment for life. He lived to extreme old age, a solitary, aimless, hopeless being, dying years after Mr. Backus had been buried from our sight. This trial gave Mr. Backus special distinction. His wonderful knowledge of the minutest facts, his familiarity with all the criminal law applicable to the case and the evidence, the ability he displayed in tracing the motives, the conduct and the thousand little circumstances that went to make the guilt of the prisoner, won for him deserved commendation. Perhaps never in the history of our courts did an advocate have so grand an opportunity of displaying those high qualities of mind and heart as did Mr. Backus in the trial of the Oberlin rescuers. The slave law then dominated the Republic, and the courts of the United States were specially active in obeying its demands. In these cases the government was pushing with all its mighty power the prosecution of the prisoners, and had given orders to secure their conviction by all means known to the law. These Oberlin prisoners were not of the criminal class—they were men patriotic, educated, humane. They had assisted a panting fugitive to escape his pursuers, and their crime was to be punished with the penalties of the law. We can do no better than to quote from an article written some years ago by the present writer, in regard to these trials:

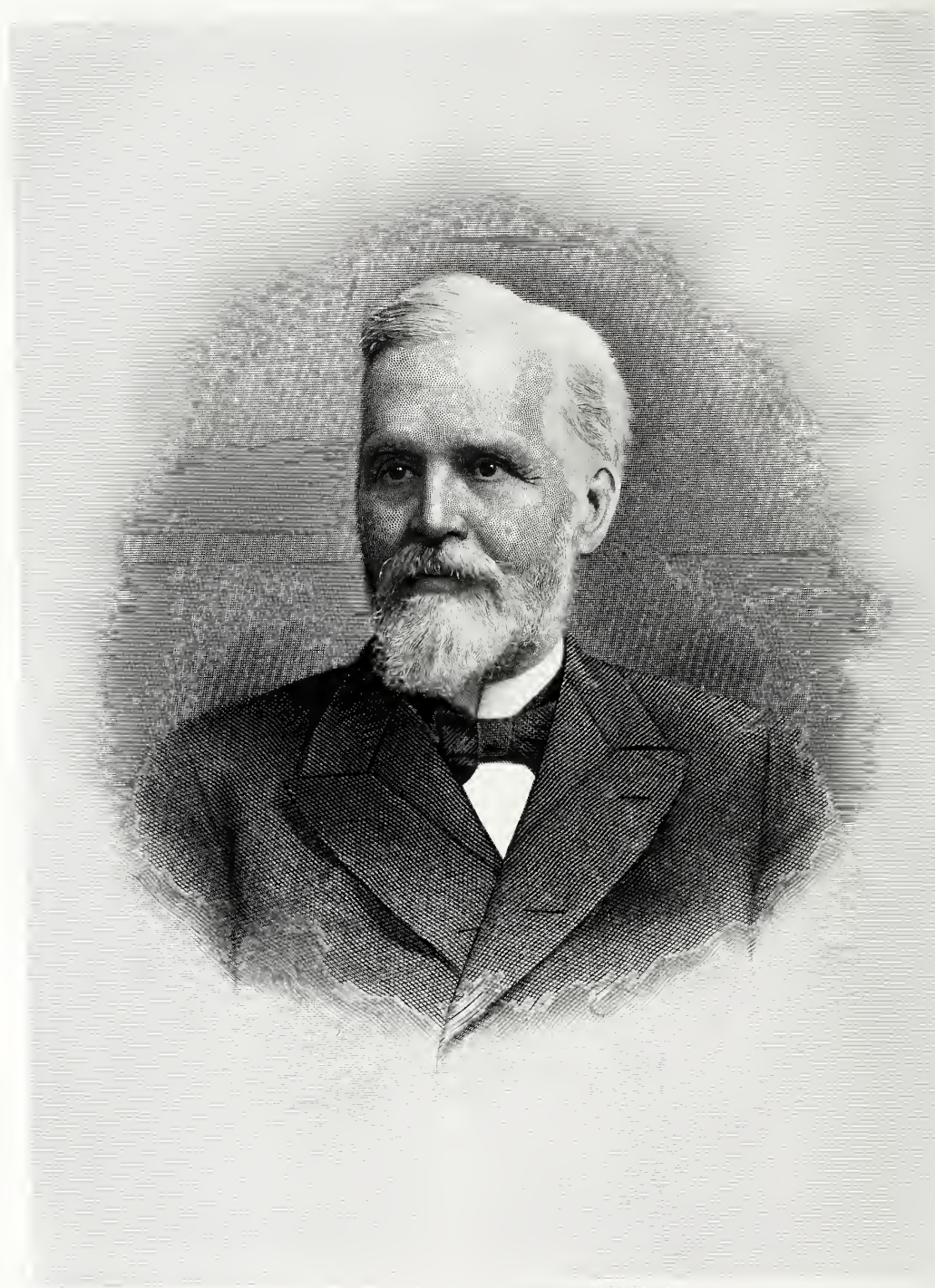
“I well remember when the Oberlin rescue cases were on trial, and the attempt was made by the government to try all the prisoners before the same jury that had just convicted one of the defendants. Then to me Mr. Backus displayed those high qualities of the lawyer and advocate which made the celebrated lawyers of the seventeenth and eighteenth centuries the idols of the down-trodden populace. In these days we can scarcely understand the courage necessary in an advocate, who was resisting being crushed, and opposed by all the powers of a great and mighty government. But Mr. Backus was equal to the occasion. No more could judge or marshal or prosecutor shake the firmness of that iron-hearted man than kingly power could overwhelm and silence the noble Brougham, when before the parliament of Great Britain he defended, with consummate skill, learning, firmness and ability, the cause of the unfortunate and deeply injured Queen Caroline of England. There he stood, in the prime and vigor of his splendid manhood, almost single-handed, fearless and undismayed—inspiring courage in the

weakest heart and making the government tremble for the success of its prosecution, betraying great discretion and circumspection, and finally compelling the court to give a new jury and the semblance of a fair trial to the parties."

Perhaps the most striking feature in the character of Mr. Backus was the moral courage of the man—the firmness at all times and under all circumstances to act as his convictions of right and duty urged him. He was eminently conservative, and bred a lawyer; he held "the Constitution and the laws, made in pursuance thereof," as his chart and compass. Hence came differences of opinion with the political party he had so long served, and the severing of almost fraternal ties that had so long bound him to his political associates. But if he felt he was right, neither the applause nor the frowns of men, his dearest interests, his personal happiness nor ambition's hopes, were allowed to stand for a moment in the way of duty. He was of that class of men who in early days preferred the block and the executioner to the sacrifice of principle and dearest convictions. He was outspoken in his views of duty—despised all dissimulation—but no more loyal heart or sincere lover of his country ever lived or died. The hearty, cordial, upright nature of the man had made him widely honored and beloved in the city where he was best known. Confidence was given him as a matter of course, and his faithfulness and sincerity were never doubted. His word and bond were alike inviolable. There was something grand in the quiet, unobtrusive way he won the regard and esteem of his fellow men. Simple in all his habits, caring nothing for wealth as a means of personal gratification or display, doing good with a lavish but unseen hand, devoted to his friends, free from guile, and always ready to assist the young and deserving, he had become, at the time of his death, a central figure in the community, and his death was regarded as a great public as well as private calamity. In 1842 Mr. Backus was married to Miss Lucy Mygatt, daughter of the late George Mygatt. Into the home circle, so shattered and destroyed by his early and untimely death, we will not attempt to penetrate. It is enough to say that his sweet and tender nature bloomed in new beauty by his own fireside. There in the peace of domestic life he found his truest and highest happiness, and the richness of his nature, his cultivated intellect, delight in ministering to the happiness of others, made him the idol of the household. His belief in the Christian religion was clear and unclouded and his life testified to the soundness of his faith. He bore with unfaltering patience his last painful illness, and on the 14th day of May, 1870, he departed this life, mourned as few are mourned, crowned with affection of all who knew him.

"God's finger touched him and he slept."

R. C. PARSONS.



John C. Hale

JOHN C. HALE, Cleveland. Honorable John C. Hale, the presiding judge of the Eighth Circuit of the Circuit Court of Ohio, was born March 3, 1831, in the little town of Orford, New Hampshire. His father, Aaron Hale, a farmer, and his mother, Mary Kent Hale, were of English ancestry. The forefathers of both came to this country in 1638, settling in New England about the time the great reformer, Oliver Cromwell, began to assert himself in shaping the destiny of Great Britain. His ancestors can well be classed among the American pioneers, and it is from these earlier settlers of our country that the best type of American manhood to-day is to be found. The subject of this sketch obtained his early education in the district schools, and at eighteen entered the academy at Orford to prepare for college. In 1853, at the age of twenty-three, he entered Dartmouth College, graduating with honors in 1857. He immediately came west, settling in Cleveland, where he taught in the public schools. While teaching he made up his mind to select law as his profession, and at once commenced his preliminary study. After three years he gave up teaching and entered the law office of S. B. & F. J. Prentiss, at that time one of the leading law firms of Cleveland. One year in this office was sufficient to enable him to be admitted to practice. He immediately removed to Elyria, in this State, where he formed a partnership with W. W. Boynton, then a rising young lawyer. This partnership continued only about one year, when it was dissolved, both partners continuing in the practice. Mr. Hale practiced alone, with the exception of his connection with one or two young men at different times whom he associated with him under a firm name to better facilitate his business, but who in reality were only employed on a salary in his office. In 1863 he was elected prosecuting attorney of Lorain county, holding the office until 1869. During this time he was register in bankruptcy for the congressional district, holding the office until the repeal of the bankruptcy law. He was a member of the Constitutional convention of 1872, presided over by Chief Justice Waite. He enjoyed a large and lucrative business, being retained on one side or the other of almost every important case brought while he was in active practice. In 1868 Judge Boynton was elected judge of the Court of Common Pleas, and from this time Mr. Hale was admitted the leading practitioner at the Bar of Lorain county. In 1877 Judge Boynton was elected to the Bench of the Supreme Court of the State, and the subject of this sketch was elected to the vacancy on the Bench of the Court of Common Pleas. Thus began his judicial work which has made him so famous as a jurist in the Western Reserve. He retired from the Bench in 1883, returned to Cleveland and formed a partnership with his old law partner, Judge Boynton, whose term of office as judge of the Supreme Court had expired. This partnership continued without interruption until he was elected to the Circuit Court Bench in the fall of 1892, taking office as associate judge on the 9th of February, 1893, at which time Judge Hugh J. Caldwell was presiding judge, but as Judge Caldwell was re-elected in 1894, Judge Hale became the presiding judge under a provision of the statutes that the judge having the shortest term to serve shall be the presiding judge of the court. Judge Hale was noted

in college as a man of most unusual common sense, a close and diligent student. He stood well in his class, which was an able one, having many bright and intellectual men, a number of whom have since attained distinction in law, literature and politics. At the commencement in 1897 the board of trustees of Dartmouth College conferred upon him the degree of Doctor of Laws. The rare trait of common sense has been one of Judge Hale's most marked characteristics, which he has always applied, both as a lawyer and jurist, in all of his work. As a lawyer he is strong and forcible in the trial of cases. He is fortified by profound reading, intellectual originality and human sympathy. He is a hard worker as well as a deep thinker, and takes rank with the first lawyers in the State. In point of learning, clearness of insight and ability to grasp and apply the principles of the law he has no superiors. He is, beyond doubt, the acknowledged head of the judiciary in Cleveland. This is the common verdict of the lawyers at the Bar. In politics he has always been a Republican. Judge Hale belongs to that class of good men whose veracity and uprightness make the earth wholesome. His social disposition and geniality of temperament have drawn about him warm friends who find his companionship nutritious. His fondness of children is noteworthy and is also a proof of his lovable nature. Wherever he goes in Cleveland the little ones are round about him and his kindness invites their familiarity. They recognize in him a gentle friend. This love of children may be intensified by the want of any upon whom paternal affection can be centered. He was married in 1859 to Carrie A. Sanborn, who is living, and there has been no issue of the marriage. He has always appreciated the institution of home, with its duties and pleasures, so much as not to require or seek membership in clubs or fraternal societies.

SAMUEL B. PRENTISS, Cleveland. Honorable Samuel Blake Prentiss, late of Cleveland, for fifteen years judge of the Fourth Judicial District of the Court of Common Pleas, was born in Montpelier, Vermont, in January, 1807. He was the son of Judge Samuel and Lucretia Houghton Prentiss (his middle name was that of his father's old preceptor in law), and was the oldest of twelve children, of whom eleven were boys. He was the eighth generation in descent from Captain Thomas Prentiss, who won great distinction in some of the early wars, notably that of King Philip in 1676, when he commanded a troop of horse. His father, nearly all his life in public service and faithful and attentive to duty, left the care of the children mainly to his mother, who was indeed a very superior and competent woman, as a housewife at home, as a lady in society. Either in Montpelier or Washington, as a woman of efficiency and judgment, in care of so large a family of sons, she was equally capable. Her mildness and force and good sense were beyond praise, and her sons have deemed her perfect. The ten sons grew to manhood; all but one practiced law; that one was clerk in the United States Court, of which his father was judge. Samuel Blake Prentiss had, when a boy, such education as Montpelier

afforded, and later went to the University of Vermont. The burning of that college ended his academic education. He received, however, an education by heredity—for few men had so much by nature—such mental qualities as usually result from a severe and careful education. He studied with his father and remained in Montpelier in practice until the year 1840. His father in early years was judge and Chief Justice of the Supreme Court of Vermont, and a few years afterwards was in the United States Senate for two terms, until the year 1840. Samuel B. had not only a fine and accurate early schooling, but an opportunity for responsible practice while his father was in Washington. In 1840 his father was made United States judge for the district in which he lived. A younger brother, Frederick J., still kindly remembered by many old citizens of Cleveland, had come to Cleveland in 1839, and urging the step was joined in 1840 by his brother in a business long and successfully conducted, under the firm name of S. B. & F. J. Prentiss, except during the years 1854 and 1855, when Mr. John T. Newton, now of Toledo, was a partner. This firm was broken in 1861 by the retirement of Mr. F. J. Prentiss, who became clerk of the courts. Mr. S. B. Prentiss then took into partnership Charles Candee Baldwin, formerly a student in his office. The firm continued for six years, until 1867, when Mr. Prentiss was elected to the Bench of the Cuyahoga Common Pleas, and he was twice re-elected, the last election being just before he reached the age of seventy years, and he entered upon his third term of office when past seventy. Judge S. B. Prentiss in 1840 made some polished Whig speeches, but thereafter took little public part in politics. He devoted himself closely and with affection to his profession, taking a hearty interest but very modest part in public affairs. He was a quiet citizen, but always performed very conscientiously the duties of citizenship. He took a great and intelligent interest in the late war. He even expressed, in the early part of the war, a desire to enlist. Being then and generally rather feeble, he modestly said he could not march very well, but he could shoot. He never held public office, except that of judge. His life offers little of adventure or little out of the ordinary save his character, and there, where so many eminent men fail, he was conspicuous. He was remarkably well fitted for his work. His mind was always acute and accurately logical. Apparently his hard work was easily done. He advanced in a difficult or complicated case step by step, each finished ere the next was determined. With him, more than with any other lawyer at the Cleveland Bar, law seemed like logic. He was known as a remarkably safe counsellor and safe in his presentation of cases. Though personally modest and retiring, indeed to yielding his own personal claims, he was most tenacious on the rights of his client and the merits and fate of a law suit—a training, by the way, infrequently gained in the legal profession and a very high praise to deserve. He was much urged to accept a place on the Bench in 1862, but declined. Four years later he accepted and continued in the office until he was seventy-five years old. To the present generation he is chiefly known as a jurist. His mind and disposition were very favorable to his excellence. He inherited mental discipline. His first American ancestor,

Captain Thomas Prentiss, of King Philip's War, had for his service therein "the Pequot County," in Stonington, Connecticut. His descendant, Colonel Samuel Prentiss, was in the Revolution and a man of public affairs. His son Samuel was an educated and skilled physician, who settled in Massachusetts. The third Samuel born in Stonington was the father of Samuel Blake. This formed quite a line of professional men. The characteristics of the father, Judge and Senator Prentiss, were very marked, even to peculiarity. He was a judge remarkable for the accurate logic and solid good sense of his opinions. A few years ago Honorable E. J. Phelps, erstwhile United States Minister to England, delivered in the legislative hall of Vermont a discourse upon Judge Samuel Prentiss, which it is impossible to read without seeing in it a picture of the son. Mr. Phelps said: "Prentiss carried the scales hung on a diamond point, fit to weigh the tenth part of a hair; so conscientious was he, so patient, so thoughtful, so considerate, so complete in his knowledge of every principle and every detail of the law of the land, when he held up the scales he not only weighed accurately, but everybody felt that he weighed accurately." Judge S. B. Prentiss had also a remarkable faculty of making the losing lawyer feel that the decision was correct. His opinion had the sound of mathematical accuracy. While he was on the Bench, he adorned it both by his learning and by his manners. His patience was perfect under all circumstances. His manner was very dignified, yet gracious and kind, and he was very greatly a favorite with younger members of the Bar for these reasons. While all submitted cases to him with great confidence, there was never any suspicion that he might be swayed even by prejudice. His ruling was marked by great gentleness. Although he never seemed strong, he had great vitality, and at a very advanced age slowly failed, dying at last slowly, and with much less discomfort than he had previously suffered, at one o'clock p. m., on Tuesday, the 27th day of November, 1894. On April 14, 1851, Judge Prentiss married Jane Atwood, daughter of Warren and Janett A. Russell, of East Haddam, Connecticut, and by the union had two daughters, one the wife of J. D. Cox, Jr., son of ex-Governor Cox, and Lucretia J. Prentiss. The following beautiful tribute is from Judge Samuel E. Williamson:

"Although Judge Prentiss has been withdrawn from active connection with his profession for several years, his death brings personal grief to every lawyer who knew him on the Bench or at the Bar. I have no very distinct recollection of him as a practicing lawyer, as he became a judge at the request of substantially the whole Bar when I was a student. The first event which attracted my attention to him was his vigorous attempt to secure the resignation of a public officer who, in his judgment, had been false to his professions made when he was elected. I believe he failed to secure the united support of his associates at the Bar, and it is not now important to decide whether the attempt was wise or not, but the incident serves to indicate to those who knew him only in later years not only his patriotism but his intense devotion to duty. Once convinced that duty demanded a certain line of conduct, no personal sacrifice could turn him from it. Indeed it was duty that guided and controlled his life. It inspired him in his work, which was so completely and conscientiously performed that it gave him the relief from pressure so essential



Engraved by J. B. Smith, N.Y.

Sincerely Yours.
Henry C. Ramsey

to every lawyer burdened with the cares of others. He said once that he had, when a cause had been submitted to the court or jury, no further anxiety or uneasiness about it. He had done his duty and that ended his responsibility. It is not strange that such a man should outlive most of his contemporaries, and that the affection of his associates and the respect of the whole community should follow him in his retirement and remain with him to the end. It is as a judge that he is best remembered by the Bar of the present day. If ever legal learning, judicial temperament and absolute integrity were united in a single man it was in Judge Prentiss. He came to the Bench with every advantage that could be given by birth, education and experience. But they would have been of little avail to arouse the tender memories which enshrine him in our hearts to-day without the conspicuous purity which made it impossible for the worst defeated litigant to doubt it, and the kindness which took the sting from the most adverse opinion. I have heard it said that he was born with a hot temper, but if so, no man ever had his temper under such complete control. Those who knew him well were aware that he had strong and clear views upon most subjects of common interest. But no opinion or prejudice ever had the least influence in preventing the calm consideration of every case upon the law and testimony. Wherever these led him he followed. If argument ever worried him he gave no sign of it. A full hearing he never denied or avoided. His practice in this respect was probably the result partly of a desire to hear all that could be said, partly of his boundless kindness. I have seen him sit for hours with perfect calmness and listening to a flood of bombastic rhetoric without a thought which could aid him. Lawyers have made propositions in coming before him which would have called out an indignant outburst from any other judge, but he heard them patiently to the end and then in the calmest tone disposed of them by the application of legal principles. The most severe reproof that counsel engaged in a personal altercation ever received, was the statement that court would be adjourned to facilitate a proper trial of the case, but you may be sure that there was no occasion to repeat the reproof. I think it is the memory of this uniform kindness which won them. All else dominates our thought of him to-day, and brings mourning and pain to the hearts of those who have not seen this loved and venerated judge for years."

HENRY CLAY RANNEY, Cleveland. The subject of this biography is a native of Ohio, of Massachusetts ancestry on both sides. He sprang from the union of two historic families, distinguished in the annals of New England and Ohio. His father was Elijah W. Ranney, a successful merchant and the oldest of the three brothers, Elijah W., Rufus P., and John L. Ranney. His mother was Levana L. Larcom. He was born June 1, 1829, in Portage county, and bereft of his father when only six years old. At the age of eight he became a member of the family of his uncle, the late Judge Rufus P. Ranney, by whom he was educated. His education was limited to an academic course, because it seemed desirable that he should qualify himself for the profession of law, which he had chosen, and become self-supporting as early as practicable. With that object in view he took up the study of the law in the office and under the instruction of his uncle, who was then one of the judges

of the Supreme Court of Ohio. He was admitted to the Bar in 1852 and immediately commenced practice at Warren, in the office of Judge Matthew Birchard. He left Warren in the fall of 1855 to enter into a partnership with his uncle, John L. Ranney, at Ravenna, with whom he was associated until the death of the latter in 1866. He continued practice at Ravenna until 1874, when he came to Cleveland and became associated with his uncle, Rufus P. Ranney (the firm later including Judge Ranney's youngest son, John R.). Since the death of Judge R. P. Ranney in 1891, he has continued in practice alone. His education in the law was not restricted to any single branch or division, but was in fact unlimited in scope. This statement is also applicable to the character of his practice, at least during the first twenty-five years of his membership at the Bar. Latterly the legal business of railroad companies and other corporations has commanded most of his time, and he is now seeking to limit or confine his practice to special cases. Richly endowed by the instinctive quality of mind which is the inspiration of a lawyer, and by that happy association of faculties which permits the highest distinction in the profession, Mr. Ranney has not allowed himself to rely upon inspiration or natural endowments. Strong in mental power and resource, he has ever been mindful of the proverb, "Labor omnia vincit." Not only have his intellectual powers been consecrated to the profession, but his time and his energy have been equally and unreservedly devoted to the professional work. He has had the breadth of view to appreciate the immensity, the infinity, of possible achievement in the profession, and the wisdom to understand that perpetual growth is dependent upon perpetual study and investigation. He has given himself with unflagging industry and unfaltering faith to the study and the mastery of all the intricate problems and involved questions presented in the important cases entrusted to him. And in the prosecution of this study he has been actuated quite as much by the purpose to know the real intent and meaning and application of the law, as by the desire to win a particular case. From the year of his admission to the Bar down to the present time, with the exception of a brief period in the army and the time spent in the recuperation of impaired health, he has labored constantly, earnestly and sometimes painfully in his practice of the law. Interests of very great magnitude have received his solicitous care; but whether the financial consideration was large or small made no difference with his devotion to the interests and the rights of his clients. Principle, in his ethical code, has a value inestimable in the money of the realm. Favored from his youth up by associations which tend to the cultivation of a legal mind and the enthronement of high ideals, Mr. Ranney has given his mind and heart with singular integrity to the law. No allurements have been strong enough to tempt him to turn aside; nothing has prompted a division of his allegiance. And it may be asserted with candor that he has found quite as gratifying recompense in the love of his profession as in its monetary rewards. He is a master of the art and the law of pleading. His pleadings are noted for strength, directness and perspicuity. Anything added would be superfluous, anything elimi-

nated would detract from the force and symmetry of the argument. There is not a word too many or too few. He is unfamiliar with the "tricks" of the trained orator and the specious arts of the advocate, preferring to convince the court or jury by plainness of speech and the choice of words which will most clearly express his meaning, and the logic which will most powerfully enforce his reasoning. His statements are made in such argumentative form as to seem unanswerable. They are characterized not more by clearness and logic than by candor and earnestness. His own convictions of right and justice are deep and strong, and he has the faculty of impressing others with them. If one seeks for the hiding of his power and the fundamental resources of his remarkable success in the management of great cases, he will find it in the thorough preparation; the masterful grasp of all the issues and the powerful influence of his own personality. He is gifted in a high degree with the rare faculty of holding in memory the details, both as to authorities bearing on a given case and the facts essential in proof. The keenness of his insight, the calmness of his demeanor and the equability of his temper are all potential factors in his conduct of a controversy. He understands his cause so thoroughly as not to be surprised by any question which may be sprung during the progress of a trial; and his self-control is so complete that he is not disconcerted by any interruption. He is permeated with the old-fashioned notion that courts are organized for the purposes of declaring the law and securing the rights of all who appeal to them for redress. In the secret chambers of his private office the substantial triumphs of the great lawyer are wrought out. There he meditates and investigates; consults the authorities and takes the bearings of his case; prepares his pleadings and arranges his facts; presents his motions and arguments; anticipates the rulings of the court; even puts himself in the jury box and imagines how the case thus presented would affect his understanding and judgment as a juror. Mr. Ranney is a great lawyer in all the work of preparation. He is a solid lawyer who regards with becoming gravity every interest, every principle and every right involved in a case, and then applies himself sedulously to the law and the evidence. His methods are peculiarly his own and his strong individuality impresses itself upon the organized courts. His reputation as a railroad and corporation lawyer is not excelled by that of any lawyer in the State, and has extended beyond the borders of the State. Whether as counsel or advocate, he prefers that kind of law business. He is no less distinguished as a man than as a lawyer. His citizenship has endeared him to the people of Cleveland in a very marked degree, because of the fine texture of his mind, his unselfishness and magnanimity. Cultured by wide reading and extended foreign travel, his companionship is charming. Successful by industry and the observance of correct principles of economy in accumulating a competence, he is generous towards the public. Mr. Ranney is at the present time president of the Cleveland, Canton and Southern Railroad, and a director in the Cleveland Pittsburg Railroad and the Belt Line Railroad. He has been a member of the American Bar Association from its organization, and also a

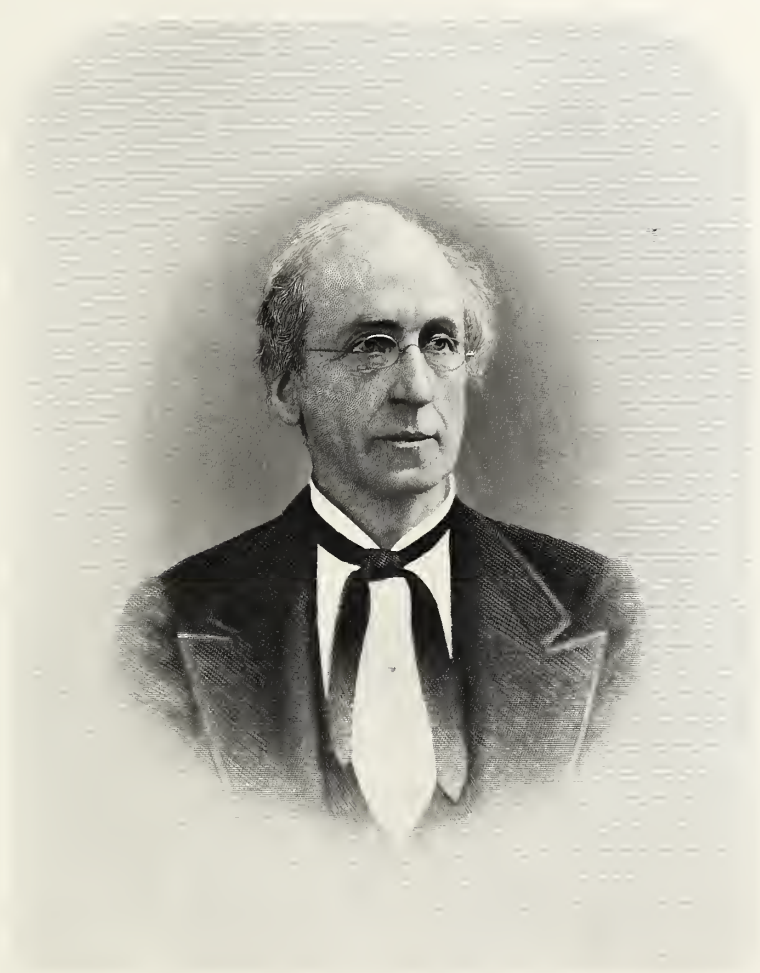
member of the Ohio State Bar Association. In 1894 Kenyon College conferred upon him the degree of Doctor of Laws. He is president of the Western Reserve Historical Society; a member of the State Board of Charities; one of the trustees of all the bequests given for the establishment and maintenance of a museum of art for the city of Cleveland, amounting to over \$1,500,000. He has always been a patron of the arts, a lover of literature and the legitimate drama. He is a member and junior warden of St. Paul's Episcopal Church of Cleveland, also a patron of Freemasonry and has attained the highest degrees save one known to the order. He has never held political office, or sought the honors that appertain to public station. For a year during the war he held the position of assistant adjutant general, First Brigade, Third Division, Fifth Corps, Army of the Potomac, and was in the battles of Fredericksburg and Chancellorsville; resigned in the fall of 1863 and returned to his law practice. He was married September 19, 1853, to Helen A. Burgess, of Ravenna, who for more than forty years has contributed to the cheerful and genuine hospitality of his home. Of the seven children born to them three are living. The following brief estimate is from Judge H. C. White, of Cleveland: "Mr. Ranney is profoundly read in the common law—always a close student; holds first rank among lawyers in the State as a sound lawyer; is always faithful to a trust. There is a kindliness about the man that is charming. With his clients he is not only their attorney; but their friend. No man ever lived in Cleveland who more fully had the respect of lawyers and the people of all classes. While he commands large fees, he is also the poor man's friend and lawyer, and if necessary will take cases without pay if he feels a wrong is being done. In all his work there is always an innate quality of greatness and goodness that has made him dear to the hearts of the people of Cleveland and all that know him."

JOHN L. RANNEY, Ravenna. One of the brightest and most profound lawyers at the Ohio Bar forty years ago was the late John L. Ranney, of Ravenna. He lives in the memory of those who knew him best as a modest yet conspicuous representative of the class of men whose attainments are self-acquired, who achieve intellectual independence through the exercise of self-dependence. Mr. Ranney was born at Blanford, Massachusetts, on the 14th day of November, 1815, and died at Ravenna, Ohio, in 1865. His paternal lineage had its origin in Scotland, and the traits of his character were such as to establish kinship with the noblest of that high principled race. His father, Rufus Ranney, was a farmer in Massachusetts, a pioneer farmer and village merchant in Ohio. His mother was Dollie Blair. The family came west and settled in Portage county in 1822, when the practically unbroken forest afforded a refuge for wild animals and a dangerous abode for the few scattered settlers. The white men first to locate in this western wilderness were not adventurers or speculators, moved by the hope of acquiring sudden fortune to

spend in more luxurious living in New England. They came to subdue the forests and establish permanent homes for themselves and their descendants. They were "settlers," therefore, in the truest and broadest meaning of the word. John L. Ranney was only seven years old when he came with his father's family to the wilds of Portage county; but he contributed his full share as boy and young man to the hard work of opening and cultivating a farm. The opportunities and advantages were meager indeed, but such as were found he grasped and utilized. The schools of the back woods were not up to the modern standard in system and text-books, but the learning which they imparted appears to have aided in the development of a high standard of manhood, both in morality and intelligence. Mr. Ranney's scholastic education had its limitations in the primitive public schools of the country and a single year in a school at Ravenna. While performing the duties of clerk in his father's country store he employed the spare hours in reading such text-books of law as he could procure. A little later he took up the study of law regularly at Ashtabula, in the office of his elder brother Judge Rufus P. Ranney, and Benjamin F. Wade, who were associated in partnership. By the application and diligence which characterized his whole professional life, he was enabled to grasp the principles of the law and qualify himself for admission to the Bar in the course of two years. He passed the examination at Jefferson and was admitted to practice in the courts of the State in 1839. The following year he located at Ravenna and formed a partnership with Daniel R. Tilden, who subsequently removed to Cleveland and served as probate judge of Cuyahoga county for thirty years. Later he was with Ezra B. Taylor. His last partnership was with his nephew, H. C. Ranney, now of Cleveland, and continued until his death. Mr. Ranney was devoted to his profession from the time he began the reading of law books until he was cut down in the noonday of life and the meridian of his powers. He died February 22, 1866, only rounding out the half century, but his remarkable talents had gained for him recognition throughout the State. That recognition was tersely expressed in a single sentence by Benjamin F. Wade: "He knows all the law there is in the books." Mr. Ranney was indeed a distinguished lawyer, and the distinction was due to his vast and exact knowledge of the law, and his skillful use of it in the conduct of litigation. His transcendent ability as a pleader was known to the giants of the profession with whom he was called to measure intellect and skill. It is reported as a historical fact, sustained by the records of the courts, that under the old system of practice no demurrer was ever sustained to any complaint drawn by him. His statements in argument were as clear and concise as his pleadings. He was always above any attempt to mislead the court or befog the jury. His candor and sincerity commended his speech, and being free from any coloring of speciousness it had the quality of absolute reliability. The clearness of his argument arose from his complete knowledge of the subject and his felicitous use of the English language. He was able to instruct the court upon any obscure point or involved construction, and he was one of those high-minded lawyers who

recognize the duty of aiding rather than embarrassing the trial judge. His style of delivery as an advocate was earnest and forcible rather than impassioned or inflammatory, and he possessed the rare faculty of impressing a listener with the truth of his utterance. He was mentally and morally honest; his sympathy was large; his sensibilities were quick; his sense of justice was innate and intuitive. He was exceedingly learned in the law and excessively modest in his pretensions. Quiet and undemonstrative in manner, upright in deportment, frank and generous in social intercourse, companionable with all who appreciate nobility of character and rectitude of conduct, genuine in the fiber of his manhood, firm and unyielding in his friendships, he was much loved by that inner circle of men admitted to the fullest measure of his confidence and the freest intercourse of his fellowship. He was a good man and a great lawyer. He was at the time of his death president of the First National Bank of Ravenna. Mr. Ranney was married on the 20th day of February, 1836, to Eliza E. Remington, and three sons and three daughters were born of the union.

HENRY B. PAYNE, Cleveland. Honorable Henry B. Payne, who died at his home September 9, 1896, was about the last of the "Old Guard" of really eminent lawyers that made the Bar of Cuyahoga county great. He was of English descent through the lineage of his father, while his mother descended from the stock of the great Douglas, Earl of Angus, Scotland. His immediate ancestors dwelt in New England, and his parents were natives of Connecticut. His father, Elisha Payne, a man of remarkable probity, strong character and resolute spirit, left Connecticut in 1795 and settled in Hamilton, Madison county, New York. At this place Henry B. Payne was born, November 30, 1810. He was carefully and thoroughly educated, graduated from Hamilton College at twenty-two. He possessed in a high degree the innate qualities which are the source of the largest professional success, and his bent was towards the law. His preceptor was John C. Spencer, of Canandaigua, an eminent lawyer and statesman, secretary of war in the cabinet of President Tyler. While a student of law he formed the acquaintance of Stephen A. Douglas, who was at the same time pursuing his studies with another firm of lawyers in the same town. A close and intimate friendship was formed between the two young men, whose recognized abilities even then were prophetic of the exalted station attained and the commanding influence exercised by each of them in later life. The bond which united them in young manhood, based upon good fellowship, mutual confidence and esteem, strengthened by association in the same profession and by political sentiments held in common, grew stronger with the years and was broken only by death. Mr. Payne settled in Cleveland in 1833, confident of his own powers and with astute prevision of the future greatness of the embryo city. He continued his law studies for one year in the office and under the wise supervision of Sherlock J. Andrews, whose fame as a lawyer-advocate was at its zenith. Mr. Payne was admitted to the Bar in 1834, and



W B Payne

in the following year formed a partnership with Judge Hiram V. Wilson, who twenty-five years later occupied the Bench of the United States District Court with such distinguished ability. The success of this firm, Payne & Wilson, was very remarkable. Within ten years its business had grown to proportions unparalleled in the county and unexcelled in the State. The enthusiastic and unremitting application of Mr. Payne to the exacting demands of his profession and the interests of his clients was too severe to be endured long by his delicate physical organism. His health was broken at thirty-six, and he became conscious that the exactions of such a law practice as he had built up were incompatible with a reasonable degree of health. The strain to which he had been subjected and the resultant debility superinduced hemoptysis. Yielding to the inexorable law of self-preservation, he retired from the practice of law and entered upon a business career which, while affording ample scope for the useful employment of extraordinary abilities, permitted larger freedom and more activity in the open air. The state of his health improved rapidly and he was permitted, after retiring from the Bar, to spend sixty years in great usefulness to his city and State. His marvellous success in the practice of law, during the dozen years of his practice in Cleveland, was matched by his triumphs in commercial business and his achievements in statesmanship. He was the first city solicitor of Cleveland under its municipal charter, and during the whole course of his life the growth, prosperity and good name of the city appealed to his civic pride and found in him a wise promoter. His counsel, prompted by public spirit, was freely given and gratefully accepted long after his retirement from the office of counsellor and the practice of law. He thus rendered vast service to the municipality. He was prominent in the railroad construction of the State, inaugurating and carrying to completion, with two or three associates, the Cleveland and Columbus Railroad, which was opened in 1851 with Mr. Payne as president. He was also in the directory of the Painesville and Ashtabula Railroad, which at length expanded into the Lake Shore. Perhaps no single individual contributed more of thought, energy, enterprise and money to the metropolitan development of the beautiful Forest City. He was a member of the first board of water works commissioners and was the trusted instrumentality in planning and establishing the comprehensive system for supplying the city. From 1862 until the end of his life, a period of thirty-four years, he was president of the board of sinking fund commissioners, and to his admirable executive management the unprecedented increase of that fund was due. He was always liberal, broad-minded, sagacious and conservative in the control of a public trust. Mr. Payne exhibited a remarkable talent for politics while yet a young man. In 1848 he was a candidate for Presidential elector on the Cass ticket. In 1851 he was elected to the State Senate and before the close of the first session displayed rare skill as a parliamentarian and a party leader. He was then the choice of his party caucus for United States senator, but the few Free-soilers in the legislature holding the balance of power secured the election of Ben Wade. In 1857 Mr. Payne was the Democratic candidate for governor and

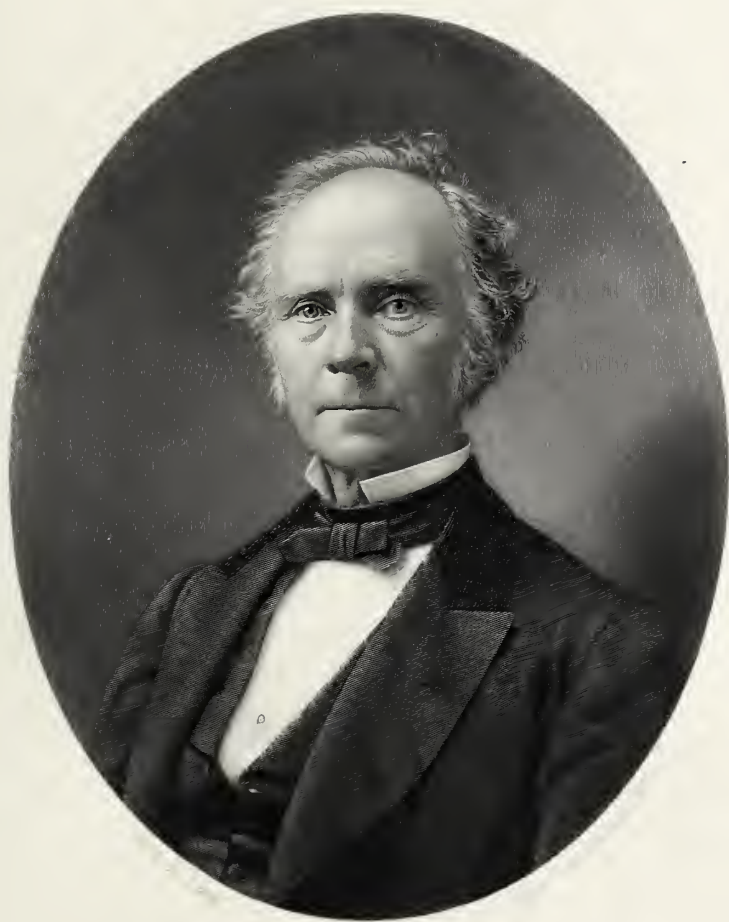
came near defeating Governor Chase, who was before the people for re-election. He was a delegate to the National convention of his party in 1856 from the Congressional district, and a delegate from the State at large to the memorable convention at Charleston in 1860. In the latter he was the personal representative of Douglas and repelled the sectional assaults of the Southern leaders — denouncing the spirit of secession disclosed by their inflammatory utterances and warning them of the ruin they were about to bring upon themselves and their section. In that convention his reputation as a political orator, already established in Ohio, became nationalized. During the civil war which followed he was steadfast in his devotion to the Union, pledging his wealth, to the extent needed, for military equipment, giving his time and the influence of public addresses to promote enlistments. In 1872 he was chairman of the State delegation in the Baltimore convention which nominated Horace Greeley. In 1874 he was nominated and elected to Congress in the Cleveland district, overcoming a very large adverse majority and having 2,500 votes to his credit. As a member of the committee on Banking and Currency he found opportunity for the display of the rare financial ability with which he had long been accredited by his friends. He was the author of a compromise measure, bearing his name, which secured the united support of the extreme gold Democrats of the East and the Greenbackers of the West, and had for its major purpose the appreciation of all the currency to a gold standard. He proposed the retention of the National Banks and the Greenback currency, paving the way to an easy resumption of specie payments by retiring twenty per cent of the paper money put into circulation by the banks and by the government. The compromise effected an adjustment of differences requiring superior skill in diplomacy, and presented a scheme for maintaining a stable currency of varying volume according to the requirements of trade. In this the keenness of the financier was happily blended with the ability of the statesman. In the contest following the Presidential election of 1876, to determine the manner of declaring the electoral vote, Mr. Payne with commendable patriotism supported the bill providing for an electoral commission, and was one of the five members of the House elected to membership on the commission. It is a historical fact worthy of mention in this connection that he was supported for President by a large representation of his party in the National convention of 1880, and his nomination could have been effected but for the instructions of the State convention, which bound the Ohio delegates to vote for Senator Thurman. In 1885 Mr. Payne was elected senator of the United States and served six years, retiring permanently from politics at the close of his term in 1891. In 1836 he married Miss Mary Perry, the daughter of Nathan Perry. His home life built upon this union was singularly felicitous. Of the five children born — Nathan P., Oliver H., Flora, Henry W. and Mary — two only survive, viz., Colonel Oliver H. Payne, of New York, and Mrs. C. W. Bingham, of Cleveland. On the occasion of Senator Payne's death, the Bar of Cuyahoga county held a memorial meeting and adopted resolutions expressing appreciation of the noble traits of his character, the worth

of his private citizenship and the value of his public services. Addresses were delivered by the ablest and oldest members of the profession. An extract from the address of Judge Franklin J. Dickman is selected for the close of this sketch :

“No man could be taken from our midst who is so well known to the community, to the people of our State and to the country at large as the Honorable Henry B. Payne. It would be difficult, therefore, for me to add anything to the common knowledge of his varied claims to distinction, of his noble traits of character, of his intellectual attainments, of his eminent abilities displayed at the Bar and in the arena of public life, of his spirit of large nationality, of his patriotism, of his benevolence, of his fidelity to friends, of his genial courtesy and kindness to all who came in contact with him, of the manifold virtues which irradiated the sphere of his private life. Many years have elapsed since he laid aside his armor and retired from the contests of the Bar. When I first came to Cleveland to enter upon the practice of my profession he had just left the Bar, in obedience to a warning of failing health; but he had retired with a reputation for legal ability and powers of advocacy seldom attained, and attained, too, among rivals whose names will always shed luster upon the Bar of this county and State. To many of you his distinguished career as a lawyer is a tradition only — knowing him only as a statesman, in the public eye up to a comparatively recent period. And so it has been with many of the leaders who have illustrated the English and American Bar. In their day and generation their triumphs were on the lips of men—*virum volitare per ora*—but when their lips were sealed in death the stream of time soon began to wash the dissoluble fabric of their forensic fame. Thus it is that even Alexander Hamilton, of whom it is said that those who heard him at the Bar were lost in admiration at the strength and stretch of the human understanding, is now known and honored rather as the great and constructive statesman, whose genius shines in the papers of the Federalist, and from whose financial system streams of revenue gushed forth to fill an exhausted treasury. Yet it will not be forgotten that the growth of our jurisprudence is, in a large measure, the result of the assistance which the practicing lawyer extends to the judiciary, and, in so doing, may take part in rendering a public service not inferior to the highest achievements of statesmanship. I have often heard the characteristics of Mr. Payne as a lawyer, when he was in the full tide of a large practice, described by contemporaries who knew him well, and who had seen him and heard him before court and jury. He was a logical thinker, skilled in the dialectics of the law, withering in sarcasm when occasion required the use of that weapon, possessing a rich fund of humor, a perfect acquaintance with the English tongue, a familiar knowledge of human nature, courage in every emergency, and the most consummate prudence and address. We may, I think, fitly apply to him the words of Lord Brougham in delineating Erskine when in his prime at the English Bar: ‘His understanding was eminently legal. His memory was accurate and retentive in an extraordinary degree; nor did he ever, during the trial of a cause, forget any matter, how trifling soever, that belonged to it. His presence of mind was perfect in action; that is, before the jury, when a line is to be taken up on the instant, and a question risked to a witness, or a topic chosen with the tribunal, on which the whole fate of the cause may turn. No man made fewer mistakes; none left so few advantages unimproved; before none was it so dangerous for an adversary to slumber and be off his guard, for he was ever broad awake himself, and was as adventurous as he was skillful; and as apt to take advantage of any, the least opening, as he was cautious to leave

none in his own battle-line.' * * * The political career of Mr. Payne virtually terminated upon his retirement from the United States Senate, of which he had been an honored member for six years. He did not, however, cease to take a lively interest in the important questions which divide the great political parties. He was fond of reading the constitutional history of our country, and the lives of the public men who have been conspicuous and instrumental in shaping the fortunes of the republic. He aimed at mental power and not mental acquisition alone; and with that in view his literary tastes were severe, and he preferred the great books of the world—the vital books—which have been called the precious life-blood of master spirits embalmed and treasured for all time. * * * He was a charm and ornament of social life; his urbanity and cordiality of manner, and rare conversational powers, drew around him a circle of warm and admiring friends."

SHERLOCK J. ANDREWS, Cleveland. A large proportion of the first lawyers and earliest settlers of Cleveland emigrated from Connecticut. They were men of the best New England type—enterprising, honest, industrious and sagacious; men broad enough to apprehend and wise enough to avail themselves of the superior advantages offered to settlers in the Ohio division of the Northwest Territory, and especially in the district of New Connecticut, or the Western Reserve. Sherlock J. Andrews was a native of New Haven county, Connecticut, born on the 17th day of November, 1801. His father, Dr. John Andrews of Wallingford, was then one of the most distinguished physicians of Connecticut, and in later life became a resident of Cleveland. The subject of this sketch was prepared for college in the excellent academy at Cheshire, in his native State, controlled by the Episcopal Church. He matriculated at Union College, Schenectady, New York, and pursued the classical course, from which he was graduated in 1821. He was at the time not quite twenty years of age, but was a man in maturity of judgment and the learning acquired from books. A key to his character in this early stage of manhood is found in the diary of the great Professor Silliman, of Yale, who employed young Andrews as his private secretary and assistant professor of chemistry. The following brief excerpt will suffice: "He was a young man of vigorous and active mind, energetic and quick in his movements and decisions; with a warm heart and genial temper; of the best moral and social habits; a quick and skillful penman; an agreeable inmate of my family, in which we made him quite at home. He continued about four years, serving with ability and the zeal of an affectionate son, without whom I could scarcely have retained my place in the college." While employed by Professor Silliman, Mr. Andrews found time to pursue the study of law in the law school at New Haven, so that when he settled in Cleveland at the age of twenty-four he was qualified for practice. Upon admission to the Bar in 1825, soon after coming West, he formed a partnership with Judge Samuel Cowles, which gave him a business and standing in the profession at once. The fortunate relations between the old practitioner and judge, and the inexperienced but



J. Hammond

capable young lawyer, was terminated by the retirement of the former from the active duties of the forum and the office. Soon afterwards Mr. Andrews became associated with the late John A. Foot, in a partnership to which James M. Hoyt was subsequently admitted (in 1837). The firm of Andrews, Foot & Hoyt, which is remembered by many living lawyers to-day, was the best known and most successful of any in northern Ohio for many years. All of its members were endowed with large natural abilities, dedicated to the profession of law. Mr. Andrews was the greatest advocate and orator. His remarkable gift of eloquence brought him into great prominence on the hustings in the campaign of 1840. He was a Whig, actively and earnestly supporting the candidacy of General Harrison for President. His surpassing gifts in political oratory and debate completed his availability as a candidate for political office and he was elected in 1840 to represent the Cleveland district in Congress. The activities of the canvass and close attention to his political duties at Washington, to which the active demands of a large law practice superadded a heavy burden, proved too great a strain on his physical endurance. His health was impaired to such an extent that he felt obliged to decline further public service and limit his professional engagements to the most important cases, in which he continued to act in the relation of counselor and advocate. In these capacities his practice was maintained until 1848 when he was appointed judge of the Superior Court of Cleveland. His judicial career, in all respects honorable, was terminated by the constitutional convention of 1851, which abolished the Superior Court, largely at his own suggestion. Judge Andrews was a member of that convention and of three of its most important committees—judiciary, revision and temperance. His broad and deep understanding of the law, and of judicial construction, his splendid vocabulary and familiarity with the best English, and his fixed moral principles contributed to make him a most valuable member of the committees on which he served. The records of that body bear evidence of his activity and usefulness in creating and modeling a constitution so well adapted to the wants of the commonwealth as to have required few material amendments during the almost half a century of its operation. This was proved by the action and results of the convention of 1873, called for the purpose of revision, of which Mr. Andrews was also a member. His nomination for the position by conventions of the two great political parties acting separately is evidence of the high esteem entertained for him in the community and the universal confidence in his fairness and impartiality, his integrity and fidelity. His scholarship, experience, thorough knowledge of the law, and demonstrated ability made him chairman of the committee on judiciary in this body composed of the most eminent and profound lawyers of the State, after he had declined the presidency of the convention tendered by the Republican majority. The interval of twenty-two years between the two conventions had been employed with great success by Judge Andrews in general practice, especially as counsellor and advocate. No lawyer was ever more devoted to his profession, and none ever had a higher,

purser conception of the sanctity of the obligation assumed upon his admission to the Bar. It is seldom that the various and distinct talents which endow the able pleader, the successful trial lawyer and the great advocate are bestowed so copiously upon any man as they were possessed by Judge Andrews. These existed in due proportion and perfect harmony. All of his pleadings were prepared with scrupulous care and exactness. All of the evidence was examined, weighed and sifted, so as to separate the material from the immaterial; he counselled wisely in matters requiring fine discrimination and acuteness of judgment; his argument in summing up a case evinced wonderful power of memory, facility of illustration and that insight into human nature which enabled him to adapt his reasoning to the understanding of a jury in such a way as to secure their sympathy. In forensic discussion he was an especially distinguished member of the very able mid-century Bar of Cleveland, unsurpassed in the West then or since that time. He was dearly beloved by his brethren in the profession and by the community in which he lived so long and so usefully. His death took place February 11, 1880. The tributes to his memory, brought out with unaffected sorrow and unfeigned sympathy at the meetings of the Bar association, the city council, the trustees of the public library and the board of education, testify to his abilities and moral excellence, his simplicity, sympathy and great usefulness. In his prime he was accustomed to battle with the giants in the forum—Reuben Hitchcock, Henry B. Payne, Edward Wade, F. T. Backus, Governor Reuben Wood, Judge Horace Foote, Judge S. B. Prentiss, Judge Thomas Bolton, Judge Samuel Starkweather, Moses Kelley and Charles Stetson, all of whom were rated as profound lawyers. Intimate friends and professional associates declare his brilliant intellect, his professional ambition, his thorough study were all dominated by his innate love of right. These qualities made him invincible. All the powers of the orator were among his gifts. As an advocate "all his speaking was guided by the spirit and essence of the law as a science, which mingles itself so intimately and blends so fully with all efforts made in the illustration of facts that they are not to be separated. It is therefore but saying of him as a lawyer, that, having the clearest apprehension of the science of the law, he applied his fund of knowledge to it and to the case in such a manner as we have never witnessed." "He had those qualities of mind and heart which enabled him, by a few well chosen words, almost in a moment to reveal to courts the true meaning of statutes and of legal principles and to juries the path of right and justice. * * * Judge Andrews was a life, and it is in the life that he lived and the influence that life has had and will continue to have upon the lives of others that he was greatest." More severe words of denunciation against wrong never fell from human lips than were uttered by him. With the most scathing sarcasm, with wit and humor, with all the boundless resources of language at his command, he could open the very heart and reveal it to the gaze of all who looked and listened. And yet in all places he was the same genial, kind, good-hearted man. His conscience was pervaded by the spirit of Christianity, which exhibited itself in his daily conduct. As spoken by Judge Dick-



John Hutchins

man: "Such was the kindness of his heart that one could hardly leave his presence without being a happier man. And so made up, how could he be otherwise than a man of deep religious convictions? The charities of life were his; and living ever in his great taskmaster's eye, under the guidance of revelation, of reason and instinct, he looked forward with unfading hope to that immortality which has been brought to light in the Gospel." In 1828 Judge Andrews married Miss Ursula McCurdy Allen, of Litchfield, Connecticut, whose father was at one time a justice of the Supreme Court of the same State and one of the most celebrated lawyers in New England, and whose brother, Honorable John W. Allen, was among the most prominent settlers of Ohio. Mrs. Andrews was connected with the Wadsworths and McCurdys, famous in Connecticut, and was a lineal descendant of the old-time governors Wolcott and Griswold, and traced a common ancestry with Chief Justices Ellsworth and Waite, of the United States Supreme Court, and Chancellor Walworth of New York. Judge Andrews left five children, viz., Sarah, Ursula M. (afterwards Mrs. G. E. Herrick, now deceased), Cornelia B., William W. Andrews (a member of the Cleveland Bar, not now in active practice), all of Cleveland, and Mrs. Harriet S. Whittlesey, of Wallingford, Connecticut.

JOHN HUTCHINS, deceased, late of Cleveland. John Hutchins was born in Vienna, Trumbull county, Ohio, July 25, 1812. His father, Samuel Hutchins, and his mother, whose maiden name was Flower, were natives of Connecticut and among the earliest settlers in the Western Reserve. Samuel Hutchins came to Ohio first in 1798, and in 1800 drove an ox team from Connecticut to Vienna, where he settled and reared his family of three sons and four daughters. John, the subject of this sketch, was the fourth child. He was educated in the common schools of the county until about twenty years of age, when he continued his studies with a private tutor and subsequently entered the preparatory department of the Western Reserve College. He commenced the study of law at Warren, Ohio, in 1835, in the office of David Tod, afterwards well known as one of Ohio's ablest governors, and was admitted to the Bar in the fall of 1838, at New Lisbon. After practicing a year he was appointed clerk of the Court of Common Pleas of Trumbull county, in which capacity he served five years. He then resigned and entered the law firm of Tod & Hoffman, which firm became Tod, Hoffman & Hutchins. Afterwards he formed a partnership with J. D. Cox, since governor of the State and member of a President's cabinet, and was his partner at the breaking out of the rebellion. In 1868 he moved to Cleveland and formed a partnership with J. E. and G. L. Ingersoll, under the firm name of Hutchins & Ingersoll. Subsequently he became associated with his son, John C. Hutchins, and O. J. Campbell, as Hutchins & Campbell. Later the firm became John & J. C. Hutchins. In 1849-50 he was a member of the State legislature. It was this legislature which provided for the Constitutional convention of 1851. In

the year 1858 he was elected a representative in the Thirty-sixth Congress, as the successor of Joshua R. Giddings, and two years afterwards he was elected to the Thirty-seventh Congress from the same district. The territory of the district was then changed, and from the new district James A. Garfield was chosen to succeed him. In Congress Mr. Hutchins took an active part in the adoption of advanced measures for the prosecution of the war to suppress the rebellion and abolish slavery, and favored the employment of colored soldiers. He advocated and voted for the abolition of slavery in the District of Columbia, and indeed had espoused the anti-slavery cause as early as the year 1833, and continued an active worker until slavery was abolished. He belonged to the old Liberty party and was mobbed in Trumbull, his native county, for declaring his convictions on the subject of slavery. In an anti-slavery meeting at Hudson, Ohio, about the year 1841, in criticising what he regarded as the pro-slavery attitude of the Western Reserve College, he used language which was distasteful to the faculty and students and was hissed by the latter. In giving the history of the anti-slavery movement in the Western Reserve and the active support of the cause by President Stover and Professors Beriah Green and G. E. Wright, Jr., when connected with the college, he said: "Then, an anti-slavery light blazed from College Hill, but where is that light now?" The hissing which greeted this utterance continued for several minutes, but was finally drowned in cheers. The following remarks of Mr. Hutchins in the Thirty-seventh Congress on the subject of employing colored troops to put down the rebellion are quoted from the *American Cyclopaedia*: "If we can take for soldiers minor apprentices and minor sons, we have the same right to take slaves; for they are either persons or property. If they are persons we are entitled to their services to save the government, and the fact that they are not citizens does not change the right of the government to their services as subjects, unless they owe allegiance to a foreign government. If colored persons are property we can certainly use that property to put down the rebellion." In Congress he took up the subject of postal reform, introduced a bill and made an able and carefully prepared speech in its favor, in which he advocated a reduction of postage on letters, and a uniform rate for all distances, as well as a uniformity in the rate of postage on printed matter, and in addition especially urged the advantages of the carrier delivery system. These measures, in the advocacy of which he was the pioneer, have since been substantially adopted by the government. Mr. Hutchins received special mention from the postmaster general for his able and persistent efforts to improve the service. As a lawyer Mr. Hutchins occupied a high rank. He was greatly esteemed by the members of the Bar, for the integrity and ability with which he discharged the duties devolving upon him. After the war he was elected (one of three) a member of the Loyal Legion of the third class of the Ohio Commandery, an honor conferred upon civilians for distinguished service rendered their country during the rebellion. He was a member of the Early Settlers' Association, always taking an active interest in the work. The welfare of this association was one of his great pleasures in his declining years.

At the time of his death he was vice-president of the association. He married Rhoda M. Andrews, and by this union he had five children, three sons and two daughters. It is in accordance with the fitness of things that his son, Judge John C. Hutchins, should to-day be the postmaster of Cleveland, and it is natural as well as commendable that the son should take great pride and active interest in carrying out and perfecting postal reforms inaugurated by his father. Another son, Horace A. Hutchins, of New York, is associated with Payne, Rockefeller and Flagler in the Standard Oil Company. He was one of the founders of that great enterprise. The later years of Mr. Hutchins' life were spent in the quiet, dignified practice of his profession, always attentive to his work, and when not able, owing to increasing age, to take that active interest for which he was once noted, he would always be on hand to advise with and direct the younger heads who might be associated with him. He died in 1891, in his eightieth year, with the good opinion of honest men, and the reputation of a friend of freedom and humanity. As a statesman he looked into the future and was guided by principles that endure.

JOHN C. HUTCHINS, Cleveland. J. C. Hutchins, postmaster of Cleveland, was born in Trumbull county, Ohio, May 8, 1840. His parents were John Hutchins and Rhoda M. Andrews, both of whom were of English descent, although born, bred and married in Ohio. His paternal ancestors were among the earlier settlers of Connecticut, and his grandfather came to Ohio before the close of the last century. His father, John Hutchins, whose biography appears elsewhere in this volume, was an eminent lawyer and statesman, who probably contributed as much as any other Ohio man toward shaping the destinies of the nation about the beginning of the Rebellion. As a boy John C. Hutchins attended the district schools, afterward the high school at Warren, and later entered Oberlin College; but left college in 1861, when in his Junior year, to enter the Second Ohio Cavalry. He was at once made second lieutenant, and shortly promoted to first, and acting captain. His regiment was ordered to Fort Scott, and was engaged in the hardest of the work on the frontier. In 1863 he met with an accident; was thrown from his horse, breaking his shoulder, and was compelled to resign. In 1864, having partially recovered, he entered his father's office and commenced the study of law. Later he entered the office of Judge Day, who was a judge of the Supreme Court of Ohio. In 1865 he became a student of the law school at Albany, New York, taking his degree of LL. B. in 1866. He was immediately admitted to practice by the New York Court of Appeals. The same year, upon his return to Ohio, he was admitted to the Bar at Canfield, commencing the practice of his profession at Youngstown in partnership with General Saunderson. Returning to Cleveland in 1868, he formed a partnership with his father and Judge Ingersoll, under the firm name of Hutchins & Ingersoll. Four years later he and his father withdrew and formed the firm of John &

J. C. Hutchins. In 1877 he was elected prosecuting attorney, serving one term of two years; again in 1879 he took up the general practice under the firm name of Hutchins, Campbell & Johnson. In 1883 he was elected judge of the Municipal Court, serving four years. At the end of his official term he again resumed general practice, but this time alone. In 1892 he was elected judge of the Court of Common Pleas, but resigned in 1895 to accept the postmastership of Cleveland. The President, Mr. Cleveland, being a personal friend, and knowing the ability of Judge Hutchins, and no doubt mindful of the fact that his father had been so largely instrumental in bringing about the great postal reforms, tendered him the place, which was accepted after careful and serious consideration. Judge Hutchins has already justified the confidence bestowed, demonstrating the wisdom of the President's selection. While in the law his practice was of a general character; he excelled in the trial of cases more than in any other branch. He was engaged in many important cases, among which three of the most noted are briefly mentioned: *McGill vs. The State*, 34 Ohio, 228. This was a murder or capital case, which went up from Cuyahoga county Common Pleas Court, and is chiefly notable in that the court reversed the finding of the lower court and granted a new trial for an error that was not discovered by anybody connected with the case until after the verdict was rendered. The finding of the Supreme Court was by a divided court, and the opinion of the court as well as the dissenting opinions are very exhaustive and able, covering forty-six pages of the report. The finding of the court as given is as follows: 1. Where, in a capital case, a person not summoned as a juror personates one who was returned in the venire, sits at the trial and joins in a verdict of guilty, the verdict will be set aside and a new trial granted, it appearing that neither the accused nor his counsel was guilty of laches. (He was prosecuting attorney in this case, which is the longest published in Ohio reports.) *Railroad company vs. Hutchins*, *Guardian*, 37 Ohio State, 282. This is an important and leading case, in measure of damages, etc. The court decides: 1. A petition by a guardian alleged that his wards were owners in fee simple of a certain woodland, that the timber thereon was cut down and removed by a person unknown and without any authority whatever, and that the same was taken, used and possessed for its own use, and without any authority whatever, by a certain railroad company, which company was afterwards consolidated with another railroad company, etc. Held that on demurrer the petition stated sufficient facts to constitute a cause of action. 2. Where discretionary power to sell lands is given by will to the executor such discretion cannot be delegated. But where an attorney in fact of such executor assumes to make such sale, the subsequent receipt of the purchase money by the executor is an adoption and ratification of the sale, and is equivalent to the exercise of the discretion by the executor himself. 3. A judgment determines the rights of the parties according to the facts stated in the pleadings; and if, after issue is joined, a change takes place in the rights of the parties it must be shown by supplemental pleadings; otherwise it should be disregarded. 4. An action for the conversion of chattels, against an inno-

cent purchaser, from a person who had previously converted the property to his own use and had afterwards added to its value by his own labor, the measure of the damages is the value of the chattels when first taken from the owner, whether the first taker was a willful or an involuntary trespasser.—*L. S. & M. S. R. R. Co. vs. Hutchins*, 32 Ohio St., 571, approved. (He was of counsel for defendant in this case.) The case of *Talcott vs. Henderson, Assignee, et al*, 31 Ohio State, 162. This is a leading case on the question as to what constitutes fraud in the purchase of goods on credit. The doctrine as laid down by the Supreme Court is as follows: 1. A contract for the purchase of goods on credit, made with intent on the part of the purchaser not to pay for them, is fraudulent; and if the purchaser has no reasonable expectation of being able to pay it is equivalent to an intention not to pay. 2. But when the purchaser intends to pay and has reasonable expectation of being able to do so, the contract is not fraudulent, although the purchaser knows himself to be insolvent and does not disclose it to the vendor, who is ignorant of the fact. (He was attorney for the plaintiff in this action.) Judge Hutchins is a most companionable man, a great student of general literature and history. He has a most retentive memory and possesses that delightful faculty of applying his knowledge at the proper time and place. He has a host of friends and admirers, has always been faithful and just in the discharge of every duty as a judge, clear and forcible in his opinions; always impartial, knowing neither friend nor foe while on the Bench. He is a man of fine presence, a fluent speaker who is much sought on public occasions where an address is required. He can be counted upon to deliver it in an able and pleasing manner. For twelve years he has been a member of the library board, and for six years its president. In the issue of books the public library is the third largest in the United States. He is a member of the Loyal Legion. In politics he is a Democrat. In 1862 Judge Hutchins was married to Jennie M. Campbell, of Scotch ancestry, a native of New York; has five children, three boys and two girls. His eldest son is now the assistant postmaster.

RICHARD C. PARSONS, Cleveland. Richard Chappell Parsons was born at New London, Connecticut, October 10, 1826. His family was among the earliest and most distinguished in New England. Four of his direct ancestors were graduates of Harvard and preached the Gospel in Massachusetts. His grandfather, Rev. David Parsons, D. D., of Amherst, Massachusetts, married a niece of William Williams, of Connecticut, one of the signers of the Declaration. He was also a cousin of Jonathan Edwards. Mr. Parsons received a liberal education and went to Norwalk, Ohio, in 1845, where he became a student at law. He was admitted to practice in 1851, and the same year entered into partnership with Honorable R. P. Spaulding, at Cleveland, under the firm name of Spaulding & Parsons. The firm became widely known as among the foremost in the State. Mr. Parsons was elected a mem-

ber of the city council in 1852, and in 1853 president of that body. In 1857 he was elected to the legislature, and re-elected in 1859. This last legislature was the first Republican legislature known in Ohio, and Mr. Parsons was chosen speaker. In 1861 he was offered the mission to Chile by Mr. Lincoln, but declined the offer, accepting the position of consul at Rio de Janeiro. He resigned in 1862 and was appointed by President Lincoln collector of internal revenue at Cleveland. In 1866 he was made marshal of the Supreme Court of the United States and served six years. In 1872 he was offered by President Grant the governorship of Montana, or the place of assistant secretary of the treasury, both of which places he declined. He was elected to Congress in 1873. Few men have lived more useful and active lives. In the city council he was the urgent friend of education and was one of the chief originators of the high school. He was chairman of the committee locating the reservoir for the water works, and drafted personally the report which was adopted. In the legislature he was the champion of the repeal of the ten per cent interest law in Ohio, drafted the report organizing the Ohio volunteers, and carried through the legislature the first law authorizing a tax for military support. In a speech of the most moving character he denounced the passage of the bill for destroying the idiot asylum, and secured its indefinite postponement. In Congress he carried a measure providing for the building of a Harbor of Refuge at Cleveland, at a cost of \$1,800,000 ; a law for a life-saving station at Cleveland, and a lease to the city of the Marine Hospital for ninety-nine years at one dollar per year. As attorney and agent of the Cleveland Vessel Owners' Association he is said to have succeeded in securing the building of more lighthouses, fog signals, life saving stations, and in helping to deepen more channels on the chain of lakes than any other living person. He was the principal originator of the plan for the removal of Hudson College to Cleveland and was largely instrumental in making the effort a success. His last public service was securing from the legislature the repeal of the law authorizing the building of the city hall upon the public square, which *The Leader* said was one of the greatest public benefits. For nearly forty years Mr. Parsons was a prominent leader of the Free-soil and Republican parties, and in the early struggles of the Republican party was known as one of the most eloquent and powerful speakers on the stump. During the larger part of this period he was the mouthpiece of his fellow citizens at Cleveland upon all occasions of a public character. He is the father of the plans for improving the outer harbor with modern docks, to provide Cleveland with the simplest and noblest facilities for commerce on the lakes. For three years he contested, for the Lake Shore Railroad Company, the opening of the old river bed, and, in a series of remarkable letters in *The Leader*, demonstrated the superiority of docks on the outer harbor, and their advantage over any river accommodations. Mr. Parsons is apparently in the active vigor of life, though seventy years of age. He is one of the trustees of the First Presbyterian Church, and also a trustee of the Western Reserve University. Many of his speeches, addresses and writings have been published in book form and read with interest.



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E. J. Lincoln

TIMOTHY D. LINCOLN, Cincinnati. Timothy Danielson Lincoln was born in Brimfield, Hampden county, Massachusetts, May 11, 1815, and was the son of Dr. Asa Lincoln and Sarah (Danielson) Lincoln. He was descended on both sides from some of the most honored families of New England. His father, Dr. Lincoln, held several prominent positions in his section of the State, and was highly esteemed both as a physician and as a man of liberal and advanced views. His mother was a daughter of General Timothy Danielson, who was chairman of the Committee of Safety in Western Massachusetts, and otherwise distinguished during the Revolutionary war. General Danielson, dying when his daughter was only twelve months old, his widow, Mr. Lincoln's grandmother, became the wife of General William Eaton, who distinguished himself as commander of the land forces, acting in conjunction with the United States squadron under the command of Commodore Barron in the war against the Bey of Tripoli, in 1805. General Eaton was affectionately attached to his little step-daughter and spared neither pains nor expense in her education. She died when the subject of this sketch, her son, was fourteen years old. Mr. Lincoln's education commenced in the public schools of his native village and was completed at Wesleyan University, Middletown, Connecticut. He read law for three years and a half with Honorable Charles H. Warren, of New Bedford, Massachusetts. It used to be said of nearly every man of New England that he was either teaching school, had taught school, or was about to do so. Mr. Lincoln made no exception to this rule, but took charge of one of the public schools while he prepared himself for his profession, working regularly sixteen hours a day. Having been admitted to the Bar at New Bedford, Massachusetts, he shortly afterwards, in the fall of 1841, started for the West, and in due time settled in Cincinnati, Ohio, in which place he had neither friends nor acquaintances. One year's study in the State being required before he could be admitted to the Ohio Bar, he remained twelve months in the office of Mr. Charles Fox, who at that time had the most extensive practice in the city, and in 1842 was admitted to the Bar by the Supreme Court of Ohio, then sitting at Zanesville. In the following year he became a partner of Mr. Fox, the firm name being Fox & Lincoln. This partnership continued until 1846, after which, until 1854, Mr. Lincoln practiced alone, rapidly acquiring increased business and a high reputation. From that time until his death on April 1, 1890, Mr. Lincoln was successively associated in partnership with Judge Fayette Smith, James Warnock, Charles H. Stephens, and John Ledyard Lincoln, his son. Mr. Lincoln's practice covered a wide range. He achieved pre-eminent distinction in admiralty, insurance and patent law, in the law of wills, of real estate and of trusts and commercial law generally. His practice was not confined to the State and Federal courts of Ohio, but frequently required his attendance upon those of neighboring States, while few members of the Bar of Cincinnati have practiced as extensively before the United States Supreme Court and Court of Claims. Among the many important cases with which Mr. Lincoln was connected may be mentioned the litigation growing out of the manner in which the piers of the railroad bridge at Rock

Island were placed in the Mississippi River, including a suit for the abatement of the piers as an obstruction to navigation and a public nuisance. In the series of cases included in this litigation between the river and the railroad interests, Mr. Lincoln, representing the former, was opposed to Abraham Lincoln, afterwards President, and to Reverdy Johnson. In the case of the Lessee of Poor vs. Considine, which involved the title to 160 acres on the Western Hills adjoining the City of Cincinnati, Mr. Lincoln was opposed to Mr. Thomas Ewing, the elder. This was the last case but one Mr. Ewing argued in the Supreme Court. In the case of Barrett vs. Williamson, his opponent in the Supreme Court of the United States was Mr. John J. Crittenden, then United States attorney-general. Mr. Lincoln was senior counsel on behalf of the defendants in the case of Mannix vs. Purcell, growing out of the assignment of Archbishop Purcell and involving the title of all the property of the numerous Catholic congregations and of the numerous educational and charitable institutions, being more than one hundred and fifty pieces of property in all belonging to the Catholic church in Southern Ohio. Mr. Lincoln's success was due more to natural talent for the law, a thorough knowledge and just appreciation of legal principles, an untiring industry in the preparation of his cases, than to oratorical effects and forensic eloquence, though he expressed himself clearly and forcibly and with a sincerity and earnestness that carried conviction. From the commencement of his legal studies he was an industrious worker and close student. On one occasion early in his practice, after having given a client advice and received his fee therefor, he mentally questioned the soundness of the opinion given, and on searching the books in several offices he found that his opinion was erroneous and notified his client accordingly. This was the origin of his large law library, consisting of about nine thousand books; for he determined that he would not pretend to a knowledge of which he was neither in the possession nor had the means of obtaining. He never sought any political or judicial office. He held the position of park commissioner of Cincinnati for a few years. During the war he was an uncompromising unionist, and though he was himself disqualified from serving in the army he furnished three substitutes. He was a generous and liberal friend to charitable and benevolent purposes and institutions. He was a great lover of books, and collected a large miscellaneous library in addition to his law library. He was very fond of travel and made seven trips to Europe. He married Miss Mary Clarke, daughter of Major Nathan Clarke of the United States army, a highly accomplished lady. Eleven children were born to them, of whom seven are living.

JUDSON HARMON, Cleveland. Honorable Judson Harmon was born February 3, 1846, at Newton, near Cincinnati, Ohio. His paternal ancestor, John Harmon, was one of the founders of Springfield, Massachusetts, and in 1669 his sons settled at Suffield, Massachusetts. Towards the latter part of the last century David Harmon settled in Jefferson county, New York, where his son, Benjamin F. Harmon, the father of Judson, was born. The latter moved to Ohio in the year 1840, and soon afterwards married Julia Bronson, of Olean, New York, a descendant of one of the early settlers of New England, her grandfather, Enos Brooks, being an officer in the Continental Army. The names of the earlier generations of Harmons will be found enrolled in the armies of the French and Indian War, the Revolution and the War of 1812. They were all devoted puritans, strong, determined men and earnest advocates of purity of personal character, civil liberty and liberty of conscience. Benjamin F. Harmon, father of Judson, taught school and was also a Baptist minister, preaching for more than forty years to the same community. Throughout his life he was known as a man of great integrity, strong common sense and upright character. Beloved and respected by all, he died in 1893 and was carried to his tomb by his four sons. Judson Harmon was the eldest son and received his first teaching from his father, who prepared him for college; at the age of sixteen he entered the Freshman class of Dennison University at Granville, Ohio. In order to help provide means for carrying on his college course he taught school during vacation, and during term time acted as tutor to a number of the other students. He graduated at the age of twenty, in 1866. Having determined at an early age to study law he directed his course of study toward that end, reading extensively the history of England and his own country as well as a number of works on the development of constitutional law. He also read with great care the works of Bunyan, Milton and Shakespeare, and made it a point to read daily selections from the Bible. He took a high stand at college as a student and showed marked ability as a speaker and off-hand debater. At the time of the surrender of Appomattox a celebration was had in the college town, at which young Harmon was called upon to make an address for the "boys." His address displayed so much wit and eloquence that he captured the crowd, and at the conclusion of his remarks the president of the meeting said to him: "My boy, if you are not spoiled while you are young the country will hear from you." After leaving college Harmon taught school for awhile and read at the same time Blackstone and Kent. In 1867 he entered the office of Judge Hoadly in Cincinnati, where he remained until he graduated from the Cincinnati Law College, in March 1869, at which time he was admitted to the Bar. In a short time he succeeded in building up a lucrative practice in the city of Cincinnati, and had won for himself a good position at the Bar. In early life Harmon was an ardent Republican. He was a constant reader of the *New York Tribune* and the *Cincinnati Gazette*, and became a great admirer of Horace Greeley. When the Democratic party nominated Greeley for President, Harmon, being opposed to the extreme tariff policy of the Republican party,

went on the stump an advocate of Greeley's election. His success as a speaker, as well as his success at the Bar, attracted to him great attention, and in October, 1876, he was nominated by the Democratic party for judge of the Court of Common Pleas, in Hamilton county. At the election he received the majority of the votes, but the election was contested and the Senate of the State, at that time Republican, voted to oust him. In the following April he was nominated and elected judge of the Superior Court of Cincinnati, and was re-elected in 1883 by an increased majority. In March, 1887, when ex-Governor Hoadly retired from the firm of Hoadly, Johnson & Colston to enter the practice of the law in New York, Judge Harmon resigned his judicial position and became the head of the firm of Harmon, Colston, Goldsmith & Hoadly. This firm has always had a large practice, representing many of the most important corporations in the community, and is looked upon as one of the leading firms in this part of the country. After re-entering the practice of the law Judge Harmon refused to have his name used in connection with any public office although he took part in a number of political campaigns, using his influence to secure the nomination of proper candidates. He was a great admirer of Grover Cleveland and one of his warmest supporters in Ohio, and a strong advocate of his renomination in 1892. His prominent position at the Bar, his well-known integrity of character and his pre-eminence in his party, together with this earnest advocacy of the policy and principles of President Cleveland, caused his nomination to the attorney-generalship of the United States in June, 1895, to be regarded as an eminently fit appointment. He moved with his family to Washington and at once became a great favorite both in official and social circles of the life at the capital. He served throughout the remainder of President Cleveland's administration with great credit to himself and to the administration. He returned in March, 1897, to Cincinnati, where he resumed the practice of the law with his old firm. As a judge Harmon was extremely popular. He was regarded as a lawyer of excellent legal equipment and strong common sense. He was kind and considerate in his treatment of attorneys and very fair in his conduct of causes. He was much opposed to legal trickery or chicanery and insisted upon maintaining a high standard of dignity and professional courtesy in his court-room. He is a large, strongly built man, above six feet in stature, fond of athletic sports, of splendid physique and just entering the prime of life, and, in the opinion of those who know him, a man likely and fit to obtain the greatest prominence that membership at the Bar can afford any man.

SAMUEL F. HUNT, Cincinnati. Judge Samuel Furman Hunt was born at Springdale, in Hamilton county, Ohio. His father was Dr. John Randolph Hunt, who had been a student of Nassau Hall, and was graduated from the College of Physicians and Surgeons in New York in the class of 1825. Dr. Hunt's father was Oliver Hunt, of Cherry Hill, near Princeton, New Jersey,



Samuel F. Hunt.

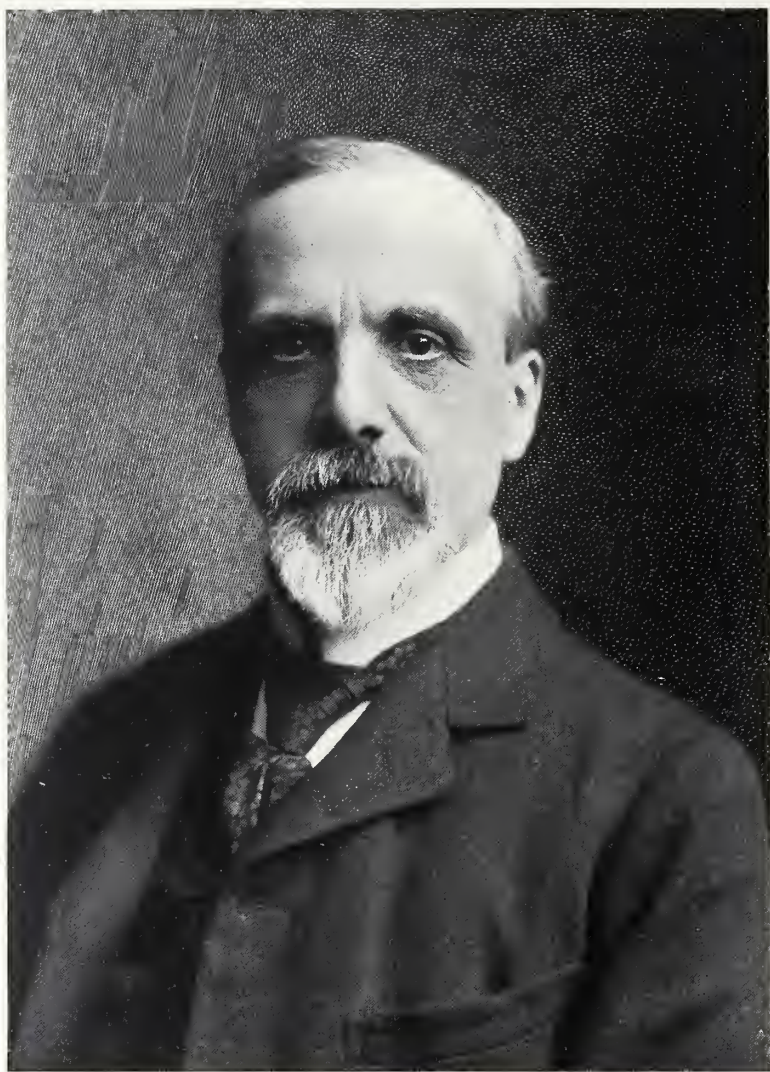


who first entered the service in the New Jersey troop as a "minute man," in March, 1777. He participated in the battles of Long Island, Princeton, Monmouth and Springfield, and was placed on the rolls of the government in recognition of his services in the war for independence. Dr. Hunt lived until August 1, 1863. A handsome window, representing Christ as the Great Healer, has been placed by the son in honor of the father in the Presbyterian Church of Springdale, the old church of the Northwest Territory. Judge Hunt's mother was Amanda Baird, born in Monmouth county, New Jersey, a lineal descendant of an old colonial family of high degree. She died November 23, 1892, and a lasting tribute to her memory erected by her son stands in the cemetery of Springdale on the site of the old church erected in 1802. The son entered Miami University in 1860. He, upon the beginning of his college career, took an active part in the debates and the literary exercises of Miami Union Hall. In his sophomore year he was elected fifth sessional speaker, class president in his junior year, to sign the diplomas of the graduating members, and class orator in his senior year, these being the recognized honors of the literary societies of the University at that time. Throughout his college career he was the president of his class, and for four successive years was chosen by the whole body of students as the orator on Washington's birthday. His college course was completed at Union College, of which Dr. Eliphalet Nott was then president, and received the bachelor's and master's degrees from that institution. He also received the bachelor's degree with the class of 1864 of Miami University. Since that time he has received the degrees of A. M., LL. D. and L. H. D. from that institution. His reputation as the "silver tongued orator" began in college. At that time as in subsequent years his addresses were of remarkable eloquence and glowing with patriotic feeling and sentiment. In a review of the exhibitions of the Miami Union Literary Societies, printed April 6, 1862, the *Oxford Citizen* calls special attention to the closing speech of the evening, which was made by Mr. Hunt, in which it said: "The gentleman's exordium was dignified and appropriate," and "his peroration was pathetically beautiful." The same paper, speaking in the year 1864 of the address by Mr. Hunt, said: "Mr. Hunt has erected a mausoleum more fitting than marble to the fame and memory of Miami Union's dead soldiers. The society whose rolls they grace may gaze with pride upon his handiwork, and their friends, with tears more grateful than thanks, attest the beauty of his tribute. It should be hung on the walls of Miami Union Hall as a memorial of the fallen but honored brothers. As for the rest of his address, it was as forcible as elegant, abounding in good advice and in elegant language." The young student was a sincere believer in the war for the Union, and many of his public addresses at that time were made at meetings whose purpose was to stimulate enlistments in the volunteer soldiery of the period. He was particularly active in the organization of the 83d Ohio Regiment. In April, 1862, he visited the battle field of Shiloh to look after the wounded and dying, and his faithful services at that time received the commendations of the officers and soldiers, as well as the agents of the Sanitary Commission. In

March, 1865, he was with the army of the James, and entered Richmond with the advance of General Weitzel's command, being one of the first to enter that city, and among the group of officers that first saluted the flag of the Union as she was raised over the capital. After the completion of his college course he began the study of the law with the late Justice Stanley Matthews, and in the Cincinnati Law School, where he graduated with the degree of L L. B. in 1867. In the same year he made a tour of Europe, to the Holy Land, Arabia and Egypt, from which distant points he wrote a number of letters to the *Cincinnati Enquirer* and the *Presbyter*. These letters were received with general favor, and were copied into a great many papers. In May, 1868, upon his return from abroad, he took up the practice of the profession of law in the office of Henry Stanbery, who had just resigned the position of attorney-general of the United States to take part in the defense of President Johnson in the impeachment proceedings before the United States Senate. In October, 1869, Judge Hunt was elected by Hamilton county to the State Senate, and was made at once president *pro tempore* of that body and acting lieutenant-governor. He is the youngest man who has ever held that position in this State. He served on the judiciary committee and the committee on municipal corporations, committee on common schools, and several other committees of minor importance. Among the measures introduced by him were a large number affecting the interests of Cincinnati, notably that establishing the University of Cincinnati, and those establishing the park commission and the platting commission. In 1870 he acted as chairman of the Democratic Convention for the second Congressional District, at which time he was tendered the nomination for Congress, which he declined. In 1871 he accepted the nomination of lieutenant-governor at the hands of the Democratic party, and by reason of the illness of the candidate for governor, General George W. McCook, he was obliged to bear the principal burden of the canvass of this State for the party. In 1873 he acted as chairman of the convention which nominated William Allen for governor, and subsequently as chairman of the convention nominating Thomas Ewing for governor. He was a member of the Constitutional Convention elected in 1873, which framed a new Constitution for Ohio, and was most largely instrumental in having the veto power incorporated in the Constitution adopted by that body to be proposed to the people. In 1878 he was appointed by Governor Bishop to be judge-advocate-general of Ohio with the rank of brigadier general. During his services in this position he prepared a review of the courts-martial, which has been regarded as the highest authority, and in his published report he gave a complete history of the State militia. In 1878 he was nominated as a candidate for the judge of the Court of Common Pleas of Hamilton county, and in 1880 was unanimously nominated for Congress by the Democracy of the First Congressional District. At both elections he ran far ahead of his ticket, but was unsuccessful. In 1887 he was tendered the nomination for circuit judge in the First Judicial Circuit; but this nomination he declined. In that year he was chairman of the Democratic State convention which assembled at Dayton, which nominated Thomas E.

Powell for governor. In 1889 he presented the name of Governor Campbell to the Democratic State convention at Dayton as a candidate for governor. In January, 1890, he was appointed judge of the Superior Court of Cincinnati by Governor Campbell to fill the position left vacant by Judge William H. Taft until the succeeding April election, at which time he was elected by a large majority for the period of three years, the unexpired term of Judge Taft. In April, 1893, he was again elected for the full term of five years to succeed himself. Judge Hunt's prominence at the Bar of this State and of the United States was shown by the fact that in 1892 he was elected president of the Ohio State Bar Association, and in 1893, vice-president of the American Bar Association, and was also appointed a member of the committee on legal reform, in place of John F. Dillon, who had been elected president. In 1874 he became a trustee of the Miami University, appointed by Governor Noyes, and unanimously confirmed by the Senate. At the end of nine years he was re-appointed by Governor Foster for the full term ending January 1, 1890, at which time he was appointed by Governor Campbell for an additional term of nine years. In 1874 he was also appointed director of the University of Cincinnati by the common council, and continued a member of that body by re-appointments by the Superior Court until his accession to the Bench of the Superior Court, at which time he retired from the board. From 1878 to 1890 he acted as chairman of the University Board and also as president of the Society of Alumni of Miami University during the years of 1887 and 1888, being the orator of the society in 1889. He is also a member of the Ohio commandery of the military order of the Loyal Legion and of the society of the Sons of the Revolution, and governor of the society of the Colonial Wars in the State of Ohio. During an unusually active life in the pursuit of his profession, Judge Hunt has given great attention to general literature, and particularly to the history of his own State. He has been in great demand throughout the State as an orator on literary subjects, particularly at various institutions of learning. Among his literary addresses of especial note are those delivered at Kenyon College, Marietta College, Georgetown College, University of Cincinnati, the Northwestern Normal College, the University of Michigan, the Central University of Kentucky, the Ohio State University, the University of Virginia, at Williams College, and Adelbert College before the annual convention of Delta Kappa Epsilon Fraternity. Among the most important of his historical addresses are those as follows: Miami Valley, on the site of Fort Hamilton; the Treaty of Greenville, on the site of Fort Greenville; the campaign of Anthony Wayne, on the site of Fort Defiance; the campaign of Scott and Taylor, before the National Association of the Veteran Soldiers and Sailors of the Mexican War, of which Judge Hunt is an honorary member; the dedication of the soldiers' monuments at Findlay, at West Union, and at Athens, Ohio; the centennial of the Republic, at Sandusky; the reception of General Grant, at Cincinnati; the unveiling of the monument to Garfield, at Music Hall, Cincinnati; the semi-centennial of the Young Men's Mercantile Library, of Cincinnati; the Life of Charles McMicken, the founder of the

University of Cincinnati, before the municipal authorities, at Pike's Opera House; the laying of the foundation stone of the Glendale Lyceum; the centennial of the adoption of the ordinance of 1787, at Springdale; the centennial of the settlement of Ohio, at Marietta; the reinterment of the dead who fell under St. Clair, at the centennial of Fort Recovery; the American Flag, before the Ohio commandery of the military order of the Loyal Legion, at Cincinnati; the Ohio Day at the Columbian Exposition, at Chicago, and Abraham Lincoln, on February 15, 1894, before the people of Dayton, Ohio. He also delivered the centennial oration on "The Battle of the Fallen Timbers," on the battle ground, August 20, 1894; the oration on the laying of the corner-stone of the new edifice of the University of Cincinnati, September 23, 1894; the oration of the semi-centennial of the Delta Kappa Epsilon Fraternity of the United States, at New York, December 15, 1894, and presided over the seventeenth annual meeting of the American Bar Association, at Saratoga Springs, August 23-25, 1894. Judge Hunt has received the academic degrees of A. B., A. M., L. H. D. and LL. D. from different colleges. His orations have been remarkable for their literary style, which is of the highest polish and excellence, betraying a thorough knowledge and familiarity with classic models and with the best literature of all times and languages. He is gifted with unusual facility of expression, which enables him to present the most dry and matter-of-fact proposition in beautiful and captivating form; as a result, this power, together with his excellent judgment and his knowledge of the law, has made him very effective in the practice of his profession. During the years preceding his elevation to the Bench his practice was very large, embracing every class of litigation, and requiring the most arduous and unceasing labor. He was particularly popular as a consulting lawyer among the farming population and his neighbors in the various parts of the country lying outside of the city, a fact which showed in a very marked degree the high reputation he had for integrity and uprightness. Upon the Bench he has been distinguished not only for a careful and conscientious performance of his duties, but also for the dignity of his court and the uniform courtesy shown by him to all the members of the Bar, both young and old, as well as to all others who came into contact with him in his court-room. In the trial of a case he is usually very quick in rendering his decisions, particularly upon points of practice, and his thorough familiarity with the details of the law in this regard has made these decisions carry great weight. On more important matters arising before him as judge he has delivered a number of carefully prepared opinions, showing deep thought, earnest consideration and painstaking study of the law. Several of these decisions are noteworthy as being on questions of unusual interest to the community at large. All are remarkable for their literary excellence as well as for their merits, by reason of the questions of law which are decided. His associates on the Bench of the Superior Court during the time of his service have been Judges Edward F. Noyes, F. W. Moore, J. R. Saylor, Rufus B. Smith and William H. Jackson. Among the important decisions in which Judge Hunt has rendered opinions are the



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Chas H Stephens
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following: The Cincinnati Inclined Plane Railway Company vs. The City and Suburban Telegraph Association involving the Trolley System; Scott's Sons vs. Raine, Auditor (O. L. T., March 16, 1891), involving the powers of the City Board of Equalization.

CHARLES H. STEPHENS, Cincinnati. Mr. Stephens was born in Cincinnati October 2, 1841. He was a son of J. H. K. and Elizabeth Stephens. His grandfather, Henry Stephens, was in the early part of his life a lieutenant in the navy, commissioned by President Madison, and later in life became a distinguished member of the Bar in the State of Indiana. As a result, the subject of this sketch was urged from his early years to adopt the profession of the law. He received his education in the public schools of Cincinnati, graduated at the Hughes High School in June, 1858, and a few years later from the Law School of the Cincinnati College. He began the study of the law in November, 1858, in the office of Lincoln, Smith & Warnock, and was admitted to the Bar in 1864. Shortly after that date he became a member of the firm and was associated with Mr. Timothy D. Lincoln from that time until the death of Mr. Lincoln, in April, 1890, a period, including his years of study, of more than thirty years. The firm after the death of Mr. James Warnock became Lincoln, Smith & Stephens, and later, Lincoln, Stephens & Lincoln. Upon the death of Mr. T. D. Lincoln the firm name was changed to Stephens, Lincoln & Smith, Mr. Stephens' associates being Mr. John Ledyard Lincoln, the son of his former partner, and Mr. Samuel W. Smith, Jr. The firm had for many years a large practice in admiralty and insurance, subjects to which the firm had given great attention. As a result, Mr. Stephens became the legitimate successor to a practice involving questions of maritime law and practice in proceedings in admiralty, in which branch of the law he became especially proficient. His law practice, however, has not by any means been confined to the admiralty, but has been of a general character, subjects of commercial banking and insurance law being prominent. Their business has always been large in extent and in the main successful in results. The law library of Mr. T. D. Lincoln was one of the largest in the West, and by reason of the especial facilities that such a library afforded to the members of the firm, and the individual energy and thoroughness of the subject of this sketch, Mr. Stephens has always been remarkable for his knowledge of adjudicated cases as well as for his general grasp of the law. He is untiring in the preparation of his cases and forcible in their presentation to court and jury. When once convinced that the position he has taken is correct he is most determined in maintaining it, and most effectual in convincing others of its correctness. His persistent and conscientious adherence to a position once taken, together with his well-known thoroughness and ability as a lawyer, have frequently gained victories under adverse circumstances. Mr. Stephens has always been ready to give a part of his time to the public service. He served three terms,

six years in all, as a member of the board of education of Cincinnati, at the end of which he declined a reappointment. He was a member of the board of aldermen for four years and was its president for two successive terms, being so at the time that body passed out of existence. For more than twenty-five years he has been a trustee of the Hughes Fund and a member of the Union Board of High Schools, being now trustee of the Hughes Fund. In 1873 Mr. Stephens married Miss Alice Bard, daughter of Sylvester W. and Louisa Mayhew Bard. His family now consists of three sons. Mr. Stephens' residence is in Avondale, recently annexed to the city of Cincinnati. The following is an estimate of Mr. Stephens from the pen of a distinguished associate at the Bar:

"I have known Mr. Stephens for twenty-five years. His general characteristics are bright, industrious, energetic and a clear-headed lawyer. When I first knew him he was a junior partner with the late T. D. Lincoln and Judge Fayette Smith, and the firm was Lincoln, Smith & Stephens, and having one of the largest practices in the city. Mr. Lincoln was a man of great experience and very great knowledge, and had one of the largest private law libraries in the West; and it was under such training as this that Mr. Stephens came to the maturity of his powers, and he has become successor to the large practice and industrious habits of his former partners. In the trial of a case Mr. Stephens is quick, energetic and sometimes impulsive, but never malicious, and always ready to meet an opponent of yesterday with a smile and a friendly grasp of the hand. He prepares his cases with great care, both as to matters of law as well as fact, and tries them with equal care and assiduity. His addresses to the court and jury are clear and terse, and without indulging in rhetoric or flights of oratory he manages to impress both with his ideas, so that he has met with a great degree of success at the Bar. He stands high in the opinion of his fellow members of the Bar, and his integrity has never in the slightest degree been called in question."

GEORGE W. CORMANY, Cincinnati. George W. Cormany is the eldest son of William and Margaret Cormany and was born January 19, 1836, on the "Brotherton Farm," owned by his father, which was situated near Chambersburg, Franklin county, Pennsylvania. He came to this State while a boy with his parents, and located at Lancaster, in Fairfield county. His education was received in the common schools of this city, where he made an excellent record as a student. Before he attained his majority he was employed as amanuensis by the late Governor Medill, who was then living in Washington, D. C. As a result he came into contact with some of the ablest lawyers of his own State as well as the prominent men of the National Capital. In 1855 he attended a course in the R. M. Bartlett Commercial College, where he graduated in June, 1856. Subsequently he returned to Lancaster and began the study of law in the office of Medill & Whitman, and was admitted to the Bar at the September term of the District Court. In the next year he removed to Mount Carroll, Carroll county, Illinois, and practiced law there until the

war broke out. Immediately upon the outbreak of the war he returned to Ohio and enlisted for three years' service as a private in Company B of the well-known Guthrie Grays, of Cincinnati, afterwards known as the Sixth Ohio Volunteer Infantry. He passed rapidly through all the non-commissioned grades, and for distinguished bravery and good conduct at the battle of Stone River his name was placed on the roll of honor. He was commissioned a second lieutenant and assigned to Company G of the same regiment on February 19, 1863. He later became first lieutenant of the same company, which he commanded at the expiration of the term of his service. He received wounds both at the battle of Stone River on January 2, 1863, and again at the battle of Chickamauga on September 26, 1863. He was tendered a captain's commission in Hancock's corps in August, 1864, which he declined. Subsequently he received the brevet of major for meritorious service. After leaving the army he resumed the practice of law in Cincinnati. Mr. Cormany was elected magistrate and served his term of three years, at the expiration of which he returned to the general practice, with which he has had reasonable success. On October 10, 1867, he married Miss Nettie E. Creswick, of Cleveland, Ohio, and in 1874 he took up his residence in Hartwell, Hamilton county, having acquired the residence of the late Judge Cilley, known as Rensselaer Park, where he has resided ever since. He is the father of six children—three boys and three girls, all of whom are living, one of his sons, Charles C. Cormany, being associated with him in the practice of the law.

FRANK HOLMES SHAFFER, Cincinnati. Frank H. Shaffer was born in Cincinnati, Ohio, March 31, 1857. His father was William Shaffer, one of that sterling class of merchants whose enterprise and integrity built up the commercial strength and reputation of Cincinnati. His mother was Susan A. Lewis, who descended from families identified from early times with the growth and prosperity of Hamilton and Butler counties. After graduating at the Chickering Institute at Cincinnati, in 1873, Mr. Shaffer entered the class of 1877 at Yale College, and was graduated in June of that year. Entering the Law Department of the University of Michigan he completed the full course in 1879, and was admitted to the Bar by the Supreme Court of Ohio in May, 1880. Mr. Shaffer began the practice of the law at once, opening an office in Hamilton, Ohio, where he remained in active practice until 1884. He held the office of solicitor for that city during the years 1882 and 1883, having been elected on the independent Republican ticket, although the other candidates on that ticket were defeated, and the political complexion of the city had been strongly Democratic for many years. A favorable opportunity came to him to continue his practice in broader fields by the offer of a partnership with Mr. W. G. Mayer, the surviving partner of the old and well-known firm of Forrest, Cramer & Mayer, of Cincinnati. Coming to Cincinnati in 1884, Mr. Shaffer associated himself with Mr. Mayer and Mr. Smith, and practiced his

profession with marked ability and success. In 1890 he formed a partnership with Judge Hiram D. Peck, who had a short time previously completed a full term on the Bench of the Superior Court of Cincinnati. The law firm thus formed is one of the strongest and most successful of the Cincinnati Bar, and is engaged continuously in important litigation. To this work Mr. Shaffer brings a geniality of disposition and kindness of manner which endear him to all with whom he comes in contact. His fidelity to their interests binds old clients to him, while his high character, skill and reputation bring increasing business from year to year. Mr. Shaffer has had in his charge as important matters as any lawyer of his age in Cincinnati, and numbers among his clients some of the leading citizens of his county. On September 25, 1883, he was married to Miss Alice A. Blackwell, of Louisville, Kentucky, and has four children: Lucy, Annie, Susie and Frank H., Jr.

JAMES B. SWING, Cincinnati. Honorable James Black Swing was born in Batavia, Clermont county, Ohio, May 15, 1854. He is a son of Judge George L. Swing (native of Ohio, but of German descent) and of Elizabeth (McMean) Swing (a native of Hamilton county, Ohio, of Scotch-Irish descent). The subject of this sketch went through the public schools at Batavia and completed his education at Hanover College, Indiana, from which institution he was graduated in 1876, after which he studied law with his father at Batavia and was admitted to the Bar in 1877, and was at once taken into partnership with his father. In 1881 he was nominated and elected probate judge by the Republican party in Clermont county, and in 1884 he was renominated and again elected to the same office. At the expiration of his second term of office, in 1888, he came to Cincinnati and formed a partnership for the practice of law with Howard Ferris, which continued until Ferris was elected probate judge of Hamilton county in 1890. Immediately thereafter Judge Swing formed a partnership with Frank R. Morse, which lasted until January 1, 1897, when it was succeeded by the present firm, Swing, Cushing & Morse, Wade Cushing being taken into the firm. Judge Swing was married in 1881 to Carrie M., daughter of the late Judge Philip B. Swing of the United States District Court. In 1884 Judge Swing was a delegate to the National Republican Convention from the then seventh, now the sixth, district of Ohio. On several occasions the nomination to Congress was tendered him, at times when a nomination was equivalent to an election, but he could not be induced to accept. He invariably disclaims any knowledge of politics or the affairs of State, yet his advice is sought, and he has a way of knowing the inside of everything that is going on. He is a strong partisan, and whether it is his friend or foe he (to use his own language) is always "for" the Republican nominee. While Judge Swing is a far-seeing, clear headed man of affairs, remarkable for penetration and faultless judgment, an orator with few equals, a style peculiarly his own—logical, clear and convincing, yet his mind is at its best and shows more capa-



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bility in the law than anywhere else. He seldom makes notes in the trial of any case, and never forgets or misses an important point. His great mind grasps and at will reproduces every point at the proper time. In the preparation of a case he works it out in his mind without the assistance of book or pencil. When that is done you are sure to hear his favorite expression: "That is the law, and if I can just find some authority to support me the case is won." Another expression peculiar to him is, "There is a turning point in every case." A judge of the second highest court in this State said of Judge Swing, that his statement and presentation of a case were the strongest of any man that had come before him in his experience of more than twenty-five years on the Bench.

CHARLES TOWNSEND, Athens. Honorable Charles Townsend is a native of the State of Ohio. He was born at Harrisonville, December 22, 1834, and in childhood removed to Athens county with his parents, which has been his home continuously since that time. Through the lineage of his father, James Townsend, he is of English extraction, and through that of his mother, Rebecca Morrison, he is Irish. The ancestors of both emigrated to America during the early colonial period. All were patriots in the sense of loyalty to self-government and the independence of the colonies. Many of them were soldiers in the war for such independence, and to this fact may be due the martial blood which quickened his pulse and tingled his veins when the rebellion was organized against the government of the United States, seventy years after it was established. He attended the common schools of Athens county, and was ambitious to go higher. Paying his own expenses with the wages earned at teaching, he was enabled to take a thorough course in Ohio University at Athens. More time for this was required than if he could have studied continuously; but the time was not lost. There was abundant compensation in the discipline and the practical application of his acquired knowledge in the work of teaching others. So many men who have started as teachers have become prominent and successful in other professions, have found their best impulses for high achievements and their best preparation for success in such early employment that we may almost regard such a start essential to the best results. All who have considered the subject and become familiar with the illustrious examples are disposed to regard the boyhood years spent in teaching intelligently and conscientiously as important and valuable. It promotes development and brings the immature mind to a state of maturity and self-confidence more rapidly and effectually than any other employment. Let no one decry the work of the teacher, even though it is undertaken as a means of temporary relief from financial stringency to enable the vealy young man to prosecute his studies in the line of another profession. Let no man be so high-minded as to ignore or refuse to mention this "pony" which may have helped him through college or to the threshold of success in law. Before his graduation young Townsend had the qualification and the nerve to organize and conduct

the De Camp Institute in Meigs county, and he was employed as principal of this institution when the Government was assailed by rebels in 1861. Laying aside the text books on mathematics and science—implements that succeeded the birch and the ferrule of the pioneer schools—he responded to the call for volunteers as though it was personal. With enthusiasm and haste he recruited a company of one hundred and twenty men, whose services were tendered through the governor to the President, and accepted. He was elected captain of this company and led it in the battle fields of West Virginia under Rosecrans, of the Potomac, under Pope and McClellan; thence to the west, attached to Sherman's corps in the army of the Tennessee; in the battles around Vicksburg and down through Tennessee and Georgia to Atlanta. While storming a battery at Hickajack he was severely injured by the explosion of a shell, from the effects of which he was obliged to leave the service just before the final triumph of the Union armies. He had been promoted to the rank of major of the Thirtieth Ohio Infantry in 1864, and subsequently had declined the colonelcy of another regiment because he preferred service with the friends who had gone with him to the field and became near to him by association in peril and victory. He was, under all circumstances, a good soldier, an obedient subaltern, an intelligent commander. On returning home he took a course in the Cincinnati Law School, from which he was graduated in 1866. On admission to the Bar he settled in Athens for practice. Not long afterwards he was elected prosecuting attorney for the county and re-elected twice, serving six years continuously. In 1876 and again in 1878 he was chosen to represent his county in the State legislature. In 1880, largely through the influence of his associates in the House, who had become closely attached to him and recognized his merits, he was nominated by the Republican State convention and elected secretary of State. His ability on the stump was a factor in that campaign, as it has been many times since. In 1890 he was nominated and elected to represent in the State Senate a district which had always been Democratic. His popularity was sufficient to overcome an adverse majority of nearly two thousand, and he is entitled to the distinction of being the first Republican who ever won success in the district. In 1894 he was elected Department Commander of the G. A. R. for the State of Ohio. Major Townsend is a gentleman of high personal worth, who enjoys the esteem of a very wide circle of friends. He belongs to the Masonic order and has a membership in the higher divisions—the Chapter and the Commandery. He was married in October, 1859, to Miss Margaret J. Allen, and has three children: Helen M., Charles H. and Mary.

LORENZO ENGLISH, Columbus. Lorenzo English was a son of John English and Laura S. English. He was born in Herkimer county, New York, May 22, 1819, upon his father's farm, where he remained until he was eighteen years of age, and received only the advantages of such an education as the common schools of his native county then afforded. In 1837 the family removed by wagon—then the usual mode of traveling by those seeking homes in the West—to Ohio and finally located at Mount Vernon. Our subject was one of the family then and proved a useful member, not only performing his full share of toil incident to a long and tedious journey, but also in adapting himself readily to any kind of labor common in a new country, and continued so to do for a period of two years. In the fall of 1839 he entered Oberlin College as a student, and pushed his way through by hard study during term time, and by hard work in any honorable vocation which first presented itself during vacations, and was graduated with honor in August, 1843. He came to Columbus in September of the same year, and commenced the study of law under Edwards Pierrepont, afterward attorney-general of the United States. He completed his legal studies in 1845, and was admitted to the Bar in that year by the Supreme Court at Mount Vernon, Knox county. He immediately thereafter commenced the practice of law in Columbus. Mr. English was well qualified for success in life as a lawyer. He possessed patience, industry, integrity and great popularity, a rare combination in a young man starting out upon a professional career, which was a success from the beginning. In 1850 he was the choice of the Whigs as their candidate for mayor of Columbus, and was elected to that office over a Democratic nominee by a handsome majority. He was re-nominated in 1852, and the same result followed. Again in 1853, 1855, 1857 and 1859 he was nominated and elected over his Democratic opponents by handsome majorities. In 1853 both of the leading political parties nominated strong men for the office of mayor, and Mr. English was induced to stand as an independent candidate. The result was that he was elected over both party candidates by a large majority, thereby demonstrating that he was stronger before the people than the organization of the two parties and all the factions put together. His record as mayor of Columbus for eleven successive years is without blemish. He contributed largely of his means to aid in the relief of the families of the soldiers who enlisted in the armies of the Union, and shouldered a musket as a private soldier when John Morgan invaded the State in 1864. After his retirement from the office of mayor he resumed the practice of law, and his clientage increased to the extent that it may be said to have been larger, if not more lucrative, than that of any other lawyer at the Columbus Bar. He was methodical and a very hard-working lawyer. In 1871 his party nominated him for the office of county treasurer, and at the October election following the result showed that he had overcome a previous Democratic majority of 1,800 votes and had received 800 more votes than his opponent. He made a popular and faithful county officer. He held many other places of trust and honor besides those named, discharging the duties of all with singular fidelity and skill. It is not often that it

may be said of a man, who had been so long in active professional life, and in politics, that he had no enemies ; yet it may truthfully be said of our subject, that he departed this life on the 14th day of March, 1888, at the age of sixty-nine years, without a known enemy, and his death was mourned by countless friends.

EMILIUS O. RANDALL, Columbus. Honorable Emilius [Oviatt Randall was born in Richfield, Summit county, Ohio, October 28, 1850. He is the son of Rev. David A. Randall, author and traveller, and Harriet Oviatt Randall. Both parents were natives of Connecticut and descendants of early Puritan stock. His great-grandfathers on the side of both father and mother were soldiers in the army of the American Revolution. Mr. Randall was brought to Columbus, where his parents were then residing, when but a few weeks old, and that city has always been his home. His education was begun in the public schools of Columbus and he was prepared for college in Phillips Academy, Andover, Massachusetts. In the fall of 1870 he entered Cornell University, and in 1874 was graduated in the literary course of that university, with the degree of Ph. B. He then pursued a two years' post graduate course at Cornell and in Europe. From 1878 to 1890 his attention has been given to merchandising and literary pursuits in Columbus, and in the intervals of business he read law under the direction of Frank C. Hubbard, of the Columbus Bar. He was admitted to practice by the Supreme Court of Ohio, June 5, 1890, and was graduated from the Law School of the Ohio State University, in 1892, with the degrees LL. B. and LL. M. He is a member of the Delta Kappa Epsilon and Phi Delta Phi, college fraternities. Mr. Randall was made instructor of commercial law in the Ohio State University in 1892 and professor of commercial law in the same institution in 1895. On the 14th of May, 1895, he was appointed reporter of the Supreme Court of Ohio by the judges of that court. He was elected president of the Columbus Board of Trade for the year 1887 and was a member of the board of education of Columbus from 1887 to 1889, declining a re-election. He is a member of the board of trustees of the Columbus Library, having been first elected to that office in 1884 by the city council and re-elected every two years since that time. He is a member of the American Bar Association, American Library Association, American Historical Association, Society of the Sons of the American Revolution, and of the Ohio State Bar Association. In February, 1893, he was appointed by Governor McKinley a trustee of the Ohio State Archæological and Historical Society, to which position he was reappointed by Governor Bushnell in February, 1896. He has acted as secretary of that society since February, 1894, and has edited three volumes of the society's publications. Mr. Randall is a Republican in politics. He was a member of the committee of seven chosen by the Columbus Constitutional Convention in January, 1891, to draft the charter of the present municipal government of the city. October 28, 1874, he married Miss Mary Coy, of Ithaca, New York, and by this marriage has three children, a



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E. O. Randall

daughter and two sons. Mr. Randall's preparation for practice at the outset was far superior to that of the average lawyer upon his admission to the Bar. His literary attainments were broad and high; his judgment was mature; his experience in affairs was large and varied; he knew much of business and of men; he was familiar with the practical side of life through the intercourse of business and trade. This accumulation of experience was invaluable and gave him at once a standing at the Bar which young lawyers without such aids attain only after years of effort and struggle. He is a patient and thorough student of the problems of the law. His mind, trained to study and investigate, is satisfied with nothing less than a clear understanding of the principles and the philosophy of Constitutional and statute law. He is not a showy lawyer, but a very substantial one. Integrity of mind and character insures honesty of purpose and action in all matters, personal as well as professional. He is a polished orator. His vocabulary is ample, his diction pure, his delivery graceful. Having an abundance of ready wit, he is the best after dinner speaker at the Columbus Bar. He is as clever with the pen as with the tongue. The historical article which he contributes to this volume is in evidence.

JAMES P. GOODWIN, Springfield. Mr. Goodwin's early career is a practical illustration of what a young man may do for himself who begins his lifework without any resources except those with which he is endowed by nature. His parents, James P. and Mary Goodwin, are of Scotch-Irish descent, natives of the North of Ireland, who came to the United States and settled in New York City, where James P. was born August 12, 1857. Acting on Horace Greeley's advice to go West, the family early in the sixties removed to Illinois, and settled on a farm. His early educational advantages were confined to the district school of a thinly settled community. He found greater opportunities in developing his muscle on his father's farm than he did in training his mind in a school room. Rural life was distasteful to him, and when seventeen years of age he left the parental roof to carve out for himself a place in the world. His first ambition was an education, but the means for getting it must first be earned. In 1874 he came to Springfield and obtained employment in one of the industrial establishments of the city. While working in the shop he seized every opportunity to improve his mind, and when he entered the University of Michigan at Ann Arbor, a few years after coming to Springfield, he was able to take quite an advanced position in some of his classes. Of the years passed at Ann Arbor the last two were spent in the Law Department of the University. Returning to Springfield he read law in the office of W. A. Scott for almost three years, and was admitted to the Bar in 1883. He began practice the same year in Springfield, alone, and has not at any time since had a business associate. His natural abilities were of a high order; he had been a hard student, and before he had been long at the Bar the public gained recognition of his merits, and he, early in his professional career, found him-

self in possession of a lucrative practice. Possessing a talent for public speaking, and taking an active interest in the principles of the Republican party, of which he is an ardent supporter, without any efforts of his own or desire to become active in politics, he was made the candidate of his party for mayor of the city of Springfield in 1887, and at the ensuing election in the fall was elected by a handsome majority. He managed the affairs of the city in a manner to give satisfaction to his constituents and reflect credit on himself. The men who have made the Darke county Bar so famous for the past half century are rapidly being gathered to their fathers, and those who will fill their place in the next quarter century and maintain their high reputation are the rising young members of the profession to-day. Amongst those who will stand in the very front rank, James P. Goodwin is placed by unanimous consent. Speaking of his standing and future prospects one of the oldest and ablest of the Springfield Bar said: "James P. Goodwin is rated high as to ability, and is held in very high esteem by the profession. He is already a good lawyer, and being a hard student possessing a good legal mind, honest and conscientious in the discharge of his duties to his clients, he will rise in his profession until he goes to the top. He is not a politician, but stands ready to discharge his duties as a citizen, and when such a man possesses the attributes that fit him for a public position is called upon he cannot well decline. He is a good citizen, a credit to himself and to his profession."

STEPHEN JOHNSTON, Piqua. Major Johnston is of Irish descent, his ancestors coming from the North of Ireland. The Johnston family are intimately associated with the pioneer history of Western Ohio. Colonel John Johnston, for many years the Indian agent for Upper Piqua, was his uncle; and his father, Stephen Johnston, was factory agent for the government at Ft. Wayne in pioneer times. The latter was killed by the Indians in August, 1812, near Ft. Wayne. Major Johnston's mother was Mary Caldwell, who was born at Bryant Station, Kentucky, a frontier port near Lexington, in 1788, and was contemporary with Daniel Boon, Simon Kenton, Tecumseh, and other famous spirits of those times. Major Johnston's maternal grandfather came to Ohio in 1805 and entered two sections of land, on part of which is now located the city of Piqua. The subject of this sketch was born at Piqua, September 20, 1812, one month after the death of his father. The house in which he was born is still standing, though modernized by its present owners. His early education was limited to the rather meager advantages offered by the public schools of those days. He belonged to that class whose education was largely obtained at night by the light of the ruddy fire or tallow dip. When he was fourteen years of age he was put out to learn a trade, and his individual career began as a saddler's apprentice in the village of Urbana. He became an efficient workman and devoted fourteen years to the avocation of journeyman saddlemaker in Ohio, Indiana, Kentucky and Maryland. During these years of

work at his trade he had kept up a course of reading and study of law text books. In 1841 he was elected sheriff of Miami county and at the close of his first term was re-elected. In the fall of 1845 he was chosen to represent Miami county in the State legislature. During this session of the legislature the law establishing the ad valorem valuation of property was enacted. This at the time was a radical measure in Ohio, cutting loose as it did from a discriminating system in favor of actual settlers entering upon public lands and improving them. The construction of canals in Ohio by the State at great cost made this change necessary to meet the expenditures. In the debates on this measure Major Johnston took an active and influential part. He supported and voted for the bill, and the system it created still stands. After leaving the State legislature he determined to take up the practice of law and after reviewing his studies was admitted to the Bar in 1850, and has continued in the practice up to the present time, though he has not been actively engaged in recent years. Major Johnston has for over forty years been the central figure of the Piqua Bar. He was one of the principal organizers of the Columbus, Piqua & Indiana railroad, drew its charter and was for twenty-five years its chief attorney. That line now forms a part of the Panhandle system of roads. The major served one term as mayor of the town, was for several years city solicitor, has been a member of the city council, one of the board of trustees of the city water works, and various other places of trust have been filled by him with entire satisfaction to the public and with credit to himself. Major Johnston has always been a public spirited citizen and it is to his indefatigable energy that the city owes its splendid hydraulic and water system which has made it the manufacturing town that it now is. Steps were taken as early as 1854 to construct these works, but nothing practical was accomplished until 1868, when Major Johnston was placed at the head of the company that had undertaken the work of construction, and six years later they were completed, after overcoming financial difficulties and obstacles in the way of privileges that had proved insurmountable to his predecessors. Piqua's hydraulic and water works are an enduring monument to Stephen Johnston's public spirit, energy and integrity. In 1877 when the Ohio Senate unanimously passed Senate Bill No. 132 to abolish the Lewistown reservoir, Major Johnston's service and good judgment were instrumental in defeating the measure in the House. Piqua was vitally interested, because the destruction of the reservoir would have been about equivalent to destroying the Piqua hydraulic. Major Johnston immediately went to Columbus to meet the House committee on public works, to which the bill had been referred. He had fortified himself with canal statistics and was thoroughly conversant with canal history and the vested rights of the people in western Ohio and with the moral obligations of the State. He presented the case with such force and made so convincing an argument to the committee, that they unanimously reported the indefinite postponement of the bill. The statistics submitted by Major Johnston were embodied in the report of the committee, which is the strongest argument for the maintenance of the canals that has ever been formulated. The

Lewistown reservoir has never since been seriously menaced. Major Johnston is the oldest native born citizen of Piqua now living. He arrived at the age of manhood about the time the then little village began to try to better its condition, and from that day to the present has been associated with almost every public enterprise that promised to benefit the city. He has the esteem of the profession and respect and admiration of his fellow citizens. He was married in 1837 to Miss Uretta Garnsey, daughter of Chester Garnsey, one of the early citizens of the town. Seven children were born to them, four of whom are living.

HIRAM L. SIBLEY, Marietta. Hiram Luther Sibley was born in Trumbull county, Ohio, May 4, 1836. His father was a minister, and in later life a member of the Ohio Conference of the Methodist Episcopal Church. The ancestry is traced to John Sibley, who came from England in the Fleet, A.D. 1629, and settled at Salem, Massachusetts. He became a selectman of that town, and member of the general assembly at Boston. On the mother's side the parentage was from Colebrook, Connecticut. The maternal grandmother and the late Mrs. Joshua R. Giddings were sisters. The grandfather, Luther Simons, was a school teacher, who at times did the work of a "pettifogger." He was gifted with a remarkable intellect. His brother-in-law, Mr. Giddings, a strong lawyer, once told him he was "the only man he ever feared to meet in a lawsuit." A partly dislocated spine made Mr. Simons a cripple, and he died in what otherwise would have been the prime of his powers. At thirteen Mr. Sibley went to the shoemaker's trade, not to leave it until three years after his majority. During this period he had two terms of six months each in select schools, working nights and mornings to pay board and tuition. April 22, 1858, Mr. Sibley was married to Miss Esther A. Ellis, of Racine, Ohio, by whom he has living three children. The same year he began the study of law, rising for that at 4 A. M., but doing his day's work in the shop. He was elected clerk of the courts for Meigs county in 1860. In 1862 he accepted a lieutenancy in Company B, 116th Ohio Volunteer Infantry, resigning his office to enter the Union army. He fell under the command of Major-General R. H. Milroy, who in April, 1863, recommended him for provost marshal of the fifteenth district of Ohio, saying: "I have known Lieutenant Sibley for the last six months, while with his regiment in my command, and have observed that he is an able, energetic, and efficient officer; always prompt and attentive to duty; a true gentleman of high moral character and excellent business talents and habits." June 15, 1863, in the valley of Virginia, with near half the command to which he belonged, he was captured by the advance of Lee's army, then moving North, and held a prisoner at Richmond, Virginia; Macon and Savannah, Georgia; Charleston and "Camp Sorghum," near Columbia, South Carolina. December 10, 1864, he was exchanged, and January 11, 1865, honorably discharged, being too much enfeebled by his imprisonment for military duty. April 14, 1865, Mr. Sibley was admitted to



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Miriam L. Sibley.

the Bar at Pomeroy, Ohio. The August following he went to Marietta and served as clerk one year in the United States assessor's office. September, 1866, by request of its senior member, he began practice as one of the law firm of Ewart, Shaw & Sibley. The next year he was nominated for prosecuting attorney, but, with the rest of his ticket, defeated. About that time he formed a partnership with Honorable R. L. Nye. Broken health drove him out of practice for a year, but in 1870 he became one of the firm of Paine & Sibley, at Pomeroy. Just before this he wrote some newspaper articles upon the constitutional law of Ohio, respecting religious liberty. Two short extracts are as follows:

"I. What is a 'right of conscience,' in the sense of our Constitution? We answer. (1.) The right to entertain any opinion, conviction or faith whatever, in regard to morality or religion, without question or molestation. (2.) The right, also, to act in accordance with the opinion, conviction or faith entertained, so long as the conduct is consistent with an equal right in all others, and is not palpably destructive of social order.

II. As to the condition of the citizen with reference to these rights we affirm. (1.) That in matters of conscience all persons are equal before the law; and (2) are entitled to full and adequate protection therein.

III. The power and duty of the State in the premises is. (1.) To extend to every citizen the protection to which he is entitled, in the exercise of his rights of conscience. (2.) Beyond that, to refrain from any interference whatever, in matters of conscience."

Finally, in answer to a critic, was the following:

"Your fallacy is in confounding every *conviction* of conscience with a *right* of conscience. These are not always convertible. Either may exist in the absence of the other. A right of conscience, in legal and constitutional sense, is the right to entertain any opinion whatever in regard to religion or morality, without question, and to act in accordance therewith, so long as the conduct is consistent with an equal right in all others, and not palpably destructive of social order. These rights the State obligates itself in the Constitution to protect. Hence, when the conviction of conscience coincides with the rights of conscience, the ægis of the Constitution is thrown around it, but not otherwise. This distinction will dissipate a thousand sophistries, grounded upon a tacit assumption of the necessary and unvarying identity of a conviction with a right of conscience."

A little later, by request, Mr. Sibley addressed a Teachers' Institute in Meigs county, on the Nature and True End of Education. We give a paragraph:

"In virtue of a law penetrating to the center of his being, for a man habitually to exert his powers for self alone, is moral debasement, spiritual defilement, and death. Selfishness is a malignant cancer in the best impulses and tenderest affections of the heart, a fatal blight upon the noblest desires and holiest aspirations of the soul. Like a darkness that can be felt, unless dispelled by the light and power of love, it settles down upon the spirit, enshrouding it from the healthful, life-giving influences of goodness, and shutting up the soul to die from moral and spiritual inanition. Under this general law of his Constitution, therefore, man is forbidden the use of the power of education of self alone. Hence, considered with exclusive reference to its subject, the true end of culture reaches beyond himself, and shrivelling moral and

spiritual death confront him as the divinely ordained penalty for clipping the wings of education until its powers and ends are cooped in the narrow limits of his own soul. * * * Wherever Christian thought has penetrated, and the best results of philosophical inquiry are known, the oneness of our race in nature and general capability is recognized and believed. Out of the notion of common endowment, and the idea of unity in origin, arises the conception of the brotherhood and social nature of man, with all their sequences of mutual obligations and duties, in virtue of which, if we live in obedience to the law of our being, we necessarily become reciprocating co-workers for the common good. Alike, therefore, upon the principles of philosophy and Christianity, every one stands in correlated obligation with all his fellows to use his various abilities and powers for others as well as himself, so long as he remains a subject of social relations. * * * The educated man, as a member of society, by virtue of his moral Constitution, is imperatively bound to use his culture for the elevation of his kind. He is to raise up those bowed down in ignorance, to establish the weak in knowledge, to open the eyes of the blind to truth, to aid in breaking the power and dominion of passion, and keep in the work of dispelling the thick clouds of prejudice that everywhere overshadow the uneducated mind. In brief, he is to consecrate his culture to the doing of good, and exalt it thereby into an instrumentality of human progress. Here the true social and individual ends of education meet as brethren to dwell together in unity." In a Decoration day address at Marietta, Ohio, in 1877, Mr. Sibley maintained that "rectitude is an inseparable element of true greatness." By force of "the laws of our moral being," he said, "we come to assign the honors of history, not merely to great abilities or wondrous success in what men undertake, but more to the royal qualities found in intrepid uprightness of character—the genius for being right as well as able and successful in the affairs of life." He concluded thus: "It is right here, however, in the application of the principle we have endeavored to present and illustrate, that we touch upon the real grounds of distinction in the honors which history will confer upon the brave men who fell on opposing sides in this terrible struggle. They were all Americans. Speaking in general terms, both armies were equally heroic in the field. Upon the whole, perhaps their leaders will not be found to differ largely in military genius and skill. Yet the proud record of those who fought for the American Union and human liberty will shine in ever increasing brightness and glory when compared with that of our equally gallant countrymen behind whose line of battle were the flag of disunion and the clanking chains of slavery. Those who followed the Nation's 'banner of beauty and glory' were allied by their cause to the most exalted aspirations and hopes of the future, and consequently were fighting a battle for the elevation and progress of the race. Government by the people, for the people, was inwrapped with their success. On the other side was the principle of civil disintegration, the fact of human bondage—iron links which bound our brave but erring fellow-citizens to the dead body of a barbaric past. In truth, the Lost Cause was lost before its fight with arms began. The thing itself—disruption and slavery—was an anachronism. Judged by the moral sense of mankind, as well as the law of the land, the attempt to sustain it by war was a crime. The spirit of the age, the conclusions of the best political thought, and the high demands of the immediate future were all in league against this cause. It received no sympathy, and was entitled to none, from the toiling millions of civilization, but only the deceptive, baleful friendship of tottering despots, or aristocracies whose very foundations were crumbling under pressure of the great ideas of popular government. Hence, though we saw it not, if faithful to our duty, the success of this cause was from the begin-

ning impossible. No human genius or bravery could save it. And for the same reasons the heroism of those who fell, its devoted victims in the carnage of battle, cannot lift them to the position in history forever to be occupied by the soldiers of 'Liberty and Union,' who in the mighty conflict 'perished for the Right.'"

At its Commencement, in 1878, Marietta College gave him the honorary degree of Master of Arts. In the presidential canvass of 1880, at Pomeroy, Mr. Sibley delivered a speech, published by request of those hearing it, on State Rights. After showing that these doctrines, or "more properly State supremacy, as against the power and authority of the National government under the Constitution," had "been in contest ever since that instrument was before the people for ratification," he said :

"But it is to the administration of Washington that the country is most deeply indebted for the assertion and practical establishment of the powers and authority of the general government upon the National principles embodied in the Constitution. The laws enacted by Congress during that period provided for a National judiciary invested with the power of final authoritative decision, in all cases at law or in equity, arising under the Constitution itself, the laws of Congress and treaties made by the Nation. They also armed the President with the authority and means of performing his sworn duty to 'preserve, protect and defend the Constitution,' and of taking 'care that the laws be faithfully executed.' Moreover, as a matter of wise policy, Washington, against the bitter opposition of the State Rights school of his time, made the National Constitution and laws supreme in fact as they were in legal theory, by crushing, with military force, in 1794, armed resistance to them in what is familiarly known as the Whiskey Insurrection of Western Pennsylvania. Before his retirement from the Presidency, therefore, the true theory of the Constitution and of National power had become essentially settled, not only in the letter of the law, but in the vastly higher efficiency of its actual enforcement by the combined civil and military power of the people acting in National capacity. The result was a second and most signal defeat of the advocates of State Rights or State supremacy, the first having been in the adoption of the Constitution by the people. At a later period the same principles respecting the National authority and power were emphatically asserted and acted upon by the Supreme Court of the United States, through the great Chief Justices Jay and Marshall; were sanctioned and carried into execution with patriotic vigor by the prompt, decisive action of Jackson in his conflict with State rights as nullification, and were made clear and intelligible, and thus immensely strengthened in the popular mind through the masterly expositions of Webster. Thus vitalized, they from time to time overcame the 'political heresy' of State supremacy even when supported by the name and fame of Jefferson, the acute and subtle argument of Calhoun, the influence of a great party organization, and finally by an armed rebellion of unprecedented magnitude and power."

While in practice his firm was engaged in a number of cases which went to the Supreme Court. In all but one Mr. Sibley framed the arguments and wrote the briefs, and in that he put in a brief of his own. Most of the cases were won. He also wrote an extended and able argument in a case in the United States District and Circuit Courts, involving the question of whether or not an assignee in bankruptcy takes title to assets subject to equitable liens

good between a creditor and the bankrupt. The decision was against him, but later the Supreme Court of the United States held the doctrine for which he contended in a precisely similar case, putting its decision on the ground also asserted in his brief. (*Stewart v. Platt*, 101 U. S., 731.) In 1882 Mr. Sibley was elected Common Pleas judge, in 'the Seventh District, and re-elected in 1887 and 1892. He was each time nominated by acclamation, and for his third term elected without opposition. During more than twelve years on the Bench he has been reversed but twice by the Supreme Court. A number of his decisions, however, have been affirmed by that body. Judge Sibley first of all the Bench of Ohio, announced the law, under the Code, as to the limitation of suits to foreclose mortgages. For more than a generation the uniform practice had been to apply the rule of twenty-one years. Upon careful investigation of the whole subject he set this aside and held that such actions were barred in fifteen years. His opinion in the *Ohio Law Journal* (v. 23, 246) is one of the most thorough and able examinations of the question to be found in the reports of the State. The Circuit Court overruled him. But the case was taken up and the Supreme Court reversed the Circuit ruling, holding the law to be as Judge Sibley had declared it. (31 Ohio L. J., 290.) Another case tried by him was taken to the Circuit Court by appeal. On the same facts he in effect was reversed. The case turned upon the application of the statute of limitations where part of a public road had been fenced in. It was taken to the Supreme Court. The decision of the Circuit Bench was overruled, and the same judgment as that by Judge Sibley in the Common Pleas entered. (33 Ohio L. J., 220.) Two other important cases wherein he was affirmed throughout, and the doctrine of which had not before been declared in any reported Ohio decision, are *Brundred vs. Rice*, 49 O. S. 640, and *Pride vs. Andrew*, 32 Ohio L. J. 248. On request of members of the Bar, several other of his opinions have been reported. In one of them he was called on to define an action, right, cause, and the place of an action. This he did with such clearness and force that a judge of the Supreme Court wrote him in these words: "The able manner in which you have applied elementary principles, and your analytical distinction of an action, right of action, and cause of action will make the opinion of permanent value to the profession." The syllabus is as follows: "An action is a judicial proceeding for the prevention or redress of acts in violation of legal duty or right, the threat of which in some cases, and the doing of in all, is in law a wrong. A right of action is the right which, upon the commission of a wrong *ipso facto* arises from the law of remedy, to the injured party, of prevention or redress, by suit, against the wrong doer. A cause of action, *in personam*, is the wrong which, under the remedial law, gives to the party injured a right of action. Generally, the *locus* of a cause of action is the place where the wrong which constitutes it is done." In 1896 Mr. Sibley was nominated and elected circuit judge for the Fourth Circuit of Ohio, and began his duties as such in February, 1897. To accept this added honor he was compelled to resign from the Common Pleas Bench, which, however, he occupied longer than any other

judge in the district which elected him had ever done. Since 1856 Mr. Sibley has been a member of the Methodist Episcopal Church. In 1884 he was a lay delegate to the general conference. That body, in 1888, provided for a constitutional commission of three bishops, seven ministers and seven laymen. Of the latter, he was one. In 1896 another commission was authorized, on which he has been appointed. The judge won recognition as an able and useful member of both bodies. To the second Ecumenical Methodist Conference, held at Washington, D. C., in October, 1891, he was appointed a delegate and given a place on the program. He delivered an address upon "Marriage and Divorce Laws," which is published in the report of its proceedings. This attracted much attention, both on account of the principles maintained and the ability shown in their advocacy. He was at once engaged to write an article for the *Methodist Review*, on "The Grounds of Divorce." In this, after showing that Paul makes desertion a cause, he says :

"Christ, then, named one ground, St. Paul another, wholly different. Consequently neither stated the moral law of divorce. Each, however, gave a case within, and which illustrates it. The law itself, evidently, must be broad enough to cover both cases, in which event it may, and as shown, does include others. Thence follows that it is not embodied in what is said on the subject by Paul and Christ. Hence the Scriptures nowhere declare this law. Therefore it is to be deduced from the nature, right to, and obligations of the marriage union, the two cases given justifying its severance, in connection with the consequences of these or like misdeeds, to a faithful mate, if divorce were denied. I state it thus: *Adultery, desertion, and other acts which, like the first, destroy the sexual purity of marriage, or like the second, operate to deny to an innocent partner and to society the substantial benefits of, and so what is essential in the right to marriage, if its bonds be held indissoluble, are in morals, as on sociological grounds, valid causes for annulling it.* The gist of this obviously is in the principle, resting equally upon reason and Scripture, that the right to marriage, in what it implies, becomes paramount to the rule relating to its permanence, in cases of wrong to an innocent partner, whereby a primal law of the relation is abnegated, and one or more of the fundamental objects of the union is defeated. This view of the subject makes the great ends of marriage, moral and social, more important than its naked bond, as manifestly they are. It looks on the union, also, in its real character of a means designed to work noble results for those within it, and not a chain to fetter the good after the bad break and repudiate it. Moreover, it leaves to the innocent escape from propagation with the moral rot of adultery, or kindred vices, and from celibacy forced upon them otherwise, by the wickedness of desertion, or like crimes. Finally, we profoundly believe it accords perfectly with the Scriptures, so read as to give the life of their teaching on the whole law of marriage."

For a decade the judge has been writing upon questions of church law. In 1894 he published a small volume on "The Organic Law of the Methodist Episcopal Church," which has been highly commended in critical notices. At its commencement in 1895, Claflin University, of Orangeburg, South Carolina, conferred upon him the honorary degree of Doctor of Laws. This, like the earlier one from Marietta College, came without solicitation on his part, or so much as a hint of it, until done. In the *Methodist Review* for July, 1895,

- the judge published an able article entitled "A Doctrine of Civil Liberty." He analyzed the conception of government and found its essential elements. Only his final summary can be given here.

"Our discussion," he says, "has conducted to the conclusion that a sound doctrine of civil liberty may briefly be stated in three general propositions: 1. The true source of governing power is the properly expressed will of the men of a nation. 2. The relative rights of the subjects of government are determined by the rule of equality before the law. 3. Government is limited in its power to such action as may be necessary to preserve social order, and to affairs of a public nature which it can better manage than could private persons. The first gives to government its popular character and presents the true antithesis to monarchic, oligarchic, and aristocratic systems. The second prevents the rule of the governing class from degenerating into tyranny, and so conserves justice, the great end of government. The third adjusts the balance between the freedom of the individual, as such, and the control over him, as an integral part of the social organism, which the governing body may exercise."

The judge is a great lover of music, especially that of the violin. He wrote a lecture on this instrument, which has been delivered at Mount Lake Park, Maryland; De Funiak Springs, Florida; Chautauqua, New York, and elsewhere. Critics declare it to be a very finished production, of great interest to those who care for the king of instruments. He also recently has lectured on "How Civil Laws Come to Be," and is often called upon for speeches and addresses. His intellectual tastes and sympathies are broad and varied. Theology, history, philosophy, sociology, political economy, and particularly what relates to improving the condition and opportunities of the laboring classes excite his interest and attention. His opinions accord with those of Professor Ely, and others of the new school of economic thinkers, with respect to "socializing" or putting into government ownership "natural monopolies." He is a Knight Templar and belongs to the G. A. R. and Loyal Legion. A Republican in politics, his personal qualities and demeanor on the Bench are such that many of his warmest friends and supporters are Democrats. He belongs to the progressive party rather than the conservative, whether in church or State. Yet he does not break with the old until the superior worth of the new is clearly seen. Working with the exhaustion of a long "prison life" upon him and struggling more for knowledge than wealth, his means are limited. But his library, private and professional, is one of the best in the city where he lives.

WILLIAM BUTLER LOOMIS, Marietta. The same energy and determination to succeed that made the name of Loomis prominent in the industrial development of Connecticut for two hundred years, placed the subject of our sketch high up in his chosen profession at the Bar of Ohio. It is not ease, but effort; not luck, but labor, that brings success in the profession of law are maxims that Judge Loomis realized and acted on early in his career. His ancestors came from Essex in England and settled in Connecticut in 1638.



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Kryz Loomis

For generations the family of Loomis have been engaged in the production of fabrics, and in commercial pursuits the name is a familiar one. Both Christopher and Joel Loomis, the father and grandfather of Judge Loomis, were large manufacturers of cotton and woolen goods. William Butler Loomis was born at New London, Connecticut, February 1, 1837. When he was three years of age his father, Christopher C. Loomis, came West and located at Marietta, Ohio, and engaged in merchandising. Our subject attended the public schools of this town, and at the age of sixteen was graduated from the high school. The president of the board of education in charge of the school at that time was Dr. Israel Ward Andrews, who afterwards became president of Marietta College. After leaving school he took a course in history, philosophy and letters, under private tutors. He then took up the study of law in the office of Clark & Ewart, remaining with them for about three years, when, in 1857, he was admitted to the Bar, at the age of twenty; but did not immediately commence the practice of his profession. About this time his father and family removed to Logansport, Indiana, where they remained for four years, when they returned to Connecticut, where Mr. Loomis re-embarked in the manufacturing business. He is still living, at the age of eighty-two, at Little Rock, Arkansas. In 1858 William entered into partnership at Marietta with Mr. Thomas W. Ewart, continuing in this relation until 1859. After the dissolution of this partnership he spent six months with his father's family at Logansport, returning to Marietta in 1860 and entered into a partnership with Mr. Melvin Clark, which continued until the death of Mr. Clark, who was killed while in command of his regiment at the battle of Antietam. He remained in practice for one year alone at Marietta, when he associated himself with Judge Nash, of Gallipolis, one of the most distinguished lawyers at the Southern Ohio Bar. The firm thus formed continued in business until 1865, when it was dissolved. Two months later Mr. Loomis entered into partnership with Samuel S. Knowles, of Washington county, an arrangement that was continued until he was, in 1868, elected judge of the Common Pleas Court of the Third Subdivision in the Seventh Judicial District of Ohio, embracing four counties, but he held court as circuit judge all over the district. He retired from the Bench in 1873, and has been ever since engaged in the practice of his profession. Judge Loomis has the reputation of being one of the most careful and painstaking attorneys in preparing his cases for trial in the district. In presenting his cases he depends more upon their merits to win than he does in pyrotechnical oratory. His standing as a lawyer and a citizen is best represented by the language of his colleagues in the profession. Said a prominent attorney:

"I think the general estimate among his associates and those who have practiced before him as a judge, or associated with him or on the opposite side in the trial of cases, that he is just and fair to all parties interested and possesses in an eminent degree a judicial mind. He is very studious and thoughtful, and possibly a little slow in his methods; but the lawyer or client who has obtained his opinion on any subject that he has investigated has something of as great or greater value than he would have coming from any other attorney

at the Bar. He is essentially adapted for the Bench, more so perhaps than for practice at the Bar. He was a hard student in his youth and while he was pursuing his legal studies, and the fruits are shown in his well ripened mind. He is accurate, careful and analytical in all his work; is highly respected as a lawyer wherever he is known, and in this respect nothing too high can be said of him. He is not brilliant, but safe. As a citizen he stands very high in the community."

In political principles Judge Loomis is a Republican and, while not a politician, takes an active interest in the success of the party. He was married in 1865 to Harriet Frances Wheeler, daughter of Frederick A. Wheeler, of Marietta, Ohio. To them were born four children. The eldest of these, Francis Butler, held until very recently the position of editor-in-chief of the *Cincinnati Tribune*. Charles Wheeler died May 22, 1893. Frederick Kent is now on the editorial staff of the *Cincinnati Tribune*. Harriet Francis Loomis died in March, 1879, and in June, 1880, Judge Loomis was married to Mrs. N. C. Holdkinson, of Marietta. They have one child, William Dwight. The judge and his family are attendants and members of the Episcopal Church of Marietta.

JAMES A. GILMORE, Eaton. Honorable James A. Gilmore was born on a farm in Israel township, Preble county, Ohio, on the 11th day of July, 1834. His father, Dr. Eli Gilmore, was a native of Virginia, and removed to Ohio in 1825, and for thirty years was in the active practice of his profession. The Gilmores are of Scotch-Irish descent. They settled originally in Virginia, where they became prominent in State and National affairs. His mother, Clarissa M. Clayton, also a native of Virginia, was related to the Mosbys. Her brother was one of the judges of the Supreme Court of Mississippi, and afterwards a member of the Confederate Congress. While Mr. Gilmore's education was confined to the common schools of his county, he had careful training at home, his mother and father both being highly educated and persons of strong character and high moral principles. At eighteen he entered the law office of his brother, the Honorable W. J. Gilmore, who afterwards served five years on the Supreme Bench of Ohio, where he commenced the study of law. In the winter of 1853-4 he entered the Law School of the Cincinnati College, and received his degree of Bachelor of Laws in 1854. He was at once admitted to practice by the District Court of Butler county, on the day after he attained his majority. Returning to Eaton he commenced the practice of law in his brother's office, where he remained until 1858, when he removed to Greencastle, Putnam county, Indiana, where he remained about one year. Before his return to Eaton he married Miss Lizzie Applegate. In 1860 he again opened an office at Greencastle. In the fall of 1861 he enlisted in the Forty-third Regiment Indiana Volunteer Infantry. Shortly after his regiment was mustered into service he was detailed in the quartermaster's department, where he served three years, during the term of his enlistment. He was honorably discharged in the fall of 1864. During his service Mrs. Gilmore died, and shortly



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after his discharge he enlisted in the Ninety-first Indiana Volunteer Infantry, one of the regiments forming the Twenty-third army corps. With his company he went to North Carolina and was again detailed, this time with the Jude Advocate's department. A part of the time he was clerk under Captain Phineas R. Minor in the commissary department. After his discharge in 1865, at the close of the war, he spent a year in the West and then returned to his native State and located at Eaton. Here he formed a copartnership with Judge J. V. Campbell. On the 12th of November, 1869, he was married to Ada M., daughter of General George D. Hendricks. Some time afterwards he removed to Hamilton and opened an office for the practice of law. Here he remained two years, then returned to Eaton, where he has since resided and become prominent in his profession. His partnership with Judge Campbell was dissolved in 1879, when he was elected an additional judge of the Court of Common Pleas, serving until 1884, and until the special term created by act of the legislature had expired. Returning to his practice he took first rank at the Bar. Judge Gilmore is a lawyer of recognized ability, and is well and favorably known throughout the southern part of the State. His practice is of a general character, and there are few important cases tried in his county in which he is not engaged. He is an orator of force, and has delivered many political speeches and addresses. In politics he is a Democrat, always taking an active interest in local, State and National affairs. Judge Gilmore takes a great interest in educational matters. He has for a number of years been a member of the school board, and is now president of that body. By his first marriage there was one son, who is now in the employ of the C., H. & D. R. R. Company; and by the second union there are seven children, four sons and three daughters.

WILLIAM A. WHITTLESEY, Marietta. This distinguished lawyer, faithful public servant and esteemed citizen was born at Danbury, Connecticut, in 1796, died in Brooklyn, New York, and was buried at Marietta, Ohio, in 1866. He had a classical education; was graduated from Yale College in 1816, and remained at the college for some time as a tutor. In 1818 he came to Ohio and entered the office of his uncle, the Honorable Elisha Whittlesey, at Canfield, as a law student. Later he studied with Joshua R. Giddings, and in 1820 was admitted to the Bar. He settled in Marietta in 1821, and began the practice of his profession alone. Four years later he was elected to the position of auditor of Washington county, and held the office for two successive terms. In this, his first place of public trust, he discharged the duties of the office with such fidelity and conscientious regard for the interests of the public as to raise himself very high in public esteem. After retiring from office he devoted his attention entirely to his law practice, until 1839, when he was elected on the Democratic ticket to represent Washington county in the State legislature, serving for two years. In 1841 he formed a partnership with General Charles B. Goddard, of Zanesville, for the practice of law in Washington county, a

relation that continued for several years. In 1848 he was made the nominee of the Democratic party to represent the district composed of the counties of Washington, Morgan and Perry, in the thirty-first Congress, and was elected; and so faithful was he in the discharge of his duties to his constituents that he was offered the nomination to be his own successor, but declined to serve another term. While he was willing to perform his full duty as a citizen, he was not ambitious for political honors. The various positions of trust and honor that he held in his eventful life came to him unsought, and the duties were discharged with fidelity and regard for the public welfare, rather than for personal or partisan ends. In 1858 he was elected mayor of the city of Marietta, and his administration of the office was endorsed by re-election in 1860 and in 1862, so that he served the city six years as chief magistrate. During these latter years he had been afflicted with severe bodily infirmities though he continued to discharge his duties to the public and to his clients, bearing his pains with remarkable fortitude. In 1866 he went East for the purpose of receiving treatment from celebrated specialists, but he found no relief until the silent Boatman carried him to the other shore. He died at Brooklyn, New York, November 6, 1866. His remains were brought to Marietta for interment, and laid beside those of his son, Captain W. B. Whittlesey, a brave and deserving officer, who was killed at the battle of Mission Ridge, in November, 1863. Judge Whittlesey's wife and daughter survived him. He was honored in life, and in death was deeply mourned. The quotation below is an extract from resolutions passed by the Bar Association of Washington county, and is given as an index of public sentiment:

"It is with feelings of deepest sorrow and regret that we—the members of the Washington county Bar—have heard of the death of our late associate, the Honorable William A. Whittlesey. During the whole period of our connection with the profession in this county, we have been witnesses of the estimable qualities of the deceased. As a lawyer his discriminating mind, his legal acquirements, the friendliness and honesty of his counsel, his urbanity in the court, and his uniform courtesy and kindness toward the junior members of the profession have elicited our esteem and endeared him to our recollections. As a citizen and a neighbor, the kindness of his disposition, his liberality, his cheerfulness, and his remarkable freedom from all feelings of envy, resentment and ill will, won for him the respect and friendship of all who knew him."

Said a prominent judge on the Bench of this district:

"Mr. Whittlesey was never a very active man in court-room practice; he was a good lawyer, a man of extremely good judgment, an excellent adviser. He was a cultivated gentleman, a man of fine feelings and wonderfully interesting socially. He had, without exception, the finest fund of anecdotes of any man I ever knew, and they were always applicable to illustrate his points. He was an exceedingly kind man, and in his old age liked the companionship of young men. One of his characteristics worthy of mention was his great willingness to help young men in getting an education. He paid all of the expenses of two nephews while at college and took them into his own home, besides assisting many others to complete their education."

The following is contributed by a prominent practitioner of the Marietta Bar:

"Judge Whittlesey was an unusual man. There were not many men like him. He was a true friend; one who could not be tempted to take advantage of another's necessity, however great the pecuniary benefit might be to himself. There was no room for meanness in his nature. As a lawyer he was upright and honest. He told a story well to illustrate an argument. All his stories had pith and point, and high, pure tone. He was true and just in his dealings with all men. As a companion he was one of the most genial of men; correct in all his habits. His popularity arose from his courtesy and affability, his generous disposition and exalted character. He gave legal advice to the twenty magistrates of the country free of charge."

Mr. Whittlesey was married to Miss Jane Hobby, October 25, 1838. Of this union four children were born, but only one is now living—Emily, the wife of W. B. Mitchell, of St. Cloud, Minnesota, a gentleman of ability and prominence who was for many years the editor and publisher of the *St. Cloud Journal-Press*. Mrs. Whittlesey died February 10, 1896, at the home of her daughter in St. Cloud, Minnesota, after a very brief illness, in the eighty-fourth year of her age.

EMMET M. WICKHAM, Delaware. Honorable Emmet M. Wickham, judge of the Court of Common Pleas, is a native of Delaware county. He was born in Genoa township, near the border of Franklin county, October 29, 1859. He is of English-German extraction and a lineal descendant of Joseph Wickham, who carried on mercantile business at Sag Harbor, Long Island, more than two hundred years ago. His great-great-grandfather, Jonathan Wickham, born in the State of New York three years after the birth of Washington, was among the heroes and patriots of the Revolution; and his grandfather, Wickham's mother's father, Joseph Welsh, was captain of a company of New York infantry during the Revolutionary War. Judge Wickham's grandfather Asa Wickham, emigrated from Essex county, New York, to the State of Ohio in 1834, and settled in Delaware county in 1850. His father, Kitridge H. Wickham, a native of New York, is a stone cutter by occupation, a man of industry, integrity and very moderate means. His mother, whose family name was Sebring, was born in Ohio, of German parents, her grandfather, Francis Sebring, having emigrated to the State from Pennsylvania in 1808. He was the eldest of three children, and in early boyhood learned the lesson of self-dependence. He attended the district schools as soon as he attained the lawful age, and bought his clothing with money paid him by neighboring farmers for all kinds of farm work. The vigorous physical organism with which he is favored doubtless derived much of its vigor and healthfulness from the open air employment of the farm, much of which was laborious and some of which was recreative. During these boyhood years of toil, privation and preparation, his imagination was actively painting brighter pictures of the future, and all unconsciously he was weaving into the web of life by pluck and persistence, in work and study, the realistic picture of his imagination. His aspiration was continually leading him out of his environment, but honest per-

formance of his daily tasks in the humble sphere was the only road to the higher goal. He was a student while he was a typical boy on the farm—not a farmer's boy. He pursued his studies to the farthest limit of the district school and thus qualified himself to teach others. It was in his twenty-first year that he rode on horseback twenty miles to Delaware, to attend the examination for teachers in the public schools. He passed creditably, obtained his certificate, and in April, 1880, opened school in the home district, governing and teaching boys and girls who had been his fellow pupils. This is one of the severe tests of a young man's strength of character and self-control. Judge Wickham possessed the essential and practical knowledge of branches taught, the self-confidence that springs from such knowledge, and the natural dignity of character to make success immediate and continuous. For twelve years he engaged in teaching, while the intervals between terms were employed with farm work. His inclination was toward the law, and in 1889 he took up the study of legal text books under the instruction of Honorable F. M. Marriott. Applying himself with the diligence and earnestness characteristic of all his undertakings, he was qualified for admission to the Bar in two years, and passed the examination conducted by the Supreme Court Commission in the first three days of December, 1891. His teaching was continued until May following, as per contract, and in September, 1892, he entered into the practice of law, in the office of his former preceptor, Mr. Marriott. His mind was mature, well disciplined by study and teaching, and having the instinct of a lawyer he came to the front rapidly. The principles of the law had been grasped by previous study and now it was easy for him to apprehend its complications, as they arise in practice. His abilities were speedily recognized by fellow practitioners and his brilliant parts made him a leader at the Bar. After less than four years of practice he was nominated in July, 1896, as the Democratic candidate for Judge of the first Subdivision of the Sixth Common Pleas District, and was elected in November. He has occupied the Bench since February, 1897, with ability and a conscientious endeavor to measure up to the standard of an upright judge. His moral character and genial disposition contributed to his personal popularity among the best citizens. His application to study and capacity to think for himself on the problems which the law presents are high qualifications for a judge. He is clear in his understanding, in his rulings and opinions. Judge Wickham is a Democrat by inheritance, choice and life long affiliation. The only office held by him before the judgeship was that of school director in his home district, where he served for three years, an office in which his practical views of education were of much advantage. He was the candidate of his party several times for city solicitor when there was no shadow of hope in the election. The canvass each time was made in conformity to a sense of party fealty rather than expectation of reward.



Samuel J. Ryan

Engraved by C. Lucas

DANIEL J. RYAN, Columbus. Daniel J. Ryan was born at Cincinnati, January 1, 1855. His father, John Ryan, and his mother, Honora Ryan, were born in Ireland and came to this country about 1850 and settled in Cincinnati. They afterwards removed to Portsmouth, Ohio, where young Ryan received his education in the public schools, passing through all the grades. He was graduated from the high school in 1875. For a year before leaving school he was entered as a law student in the office of Judge James W. Bannon, where he continued his studies after graduating. In February, 1877, he was admitted to the Bar by the Supreme Court at Columbus. He at once commenced practice alone at Portsmouth, and in the following April was elected city solicitor; was re-elected in 1879, serving until the spring of 1881. In 1883 he was elected a member of the Ohio House of Representatives, and was re-elected in 1885. During this service he was speaker pro tem. and chairman of the committee on public works. At the expiration of his legislative duties he resumed practice. In 1888 he was elected secretary of State of Ohio, and in 1890 was re-elected for a second term. He resigned this office, however, in 1891 to accept the appointment of commissioner in chief for Ohio of the World's Columbian Exposition, the duties of which required his services until May, 1894. While secretary of State he assisted in the compilation of Smith & Benedict's edition of the Revised Statutes of Ohio. He has since been engaged in the practice of law at Columbus. He has always been a Republican; was the first president of the Ohio Republican League, and presided at New York over the first convention of the National League of Republican Clubs which met in 1887. For ten years Mr. Ryan has been one of the trustees of the Ohio Historical Society. He was appointed by the Exhibitors' Association at the World's Fair as one of the commissioners to the Antwerp Exposition in 1894. He was appointed by Governor McKinley as delegate to the National Water Ways Convention which met at Vicksburg in 1894. At the present time he is president of the Ohio Canal Association. Mr. Ryan is well and favorably known throughout the State as a man of high character and a lawyer of ability. He has been identified with many important cases in Ohio which have attracted general attention both in and out of the State, among which might be mentioned the case touching the constitutionality of the abandonment of the Hocking canal, and litigation relating to the food department of the State. On the 10th day of January, 1884, Mr. Ryan was married to Myra L. Kerr, of Portsmouth, and by this union five children were born, two of whom are living, Julia E. and Elinor.

WILLIAM T. MOONEY, St. Marys. Judge Mooney is of Irish descent. He was born at St. Marys, Ohio, November 14, 1862. His parents are Michael J. and Catherine Mooney, the former a native of Indiana, the latter of Ohio. His father is department manager of one of the great American life insurance companies. Judge Mooney's advantages for obtaining an education were

good, and he improved them from his earliest school years. He was graduated from the St. Marys high school May 23, 1880, at the age of eighteen years. He then entered the Ohio Normal University at Ada, and was prepared to enter the junior class. Two years later he was graduated from the institution with the degree of A. B. He read law privately for a period at home, and in October, 1886, he entered the Law Department of the Cincinnati College, from which he was graduated May 24, 1888, with the degree of LL. B. He received the Dexter prize for highest proficiency in both the junior and senior examinations. He was immediately admitted to the Bar and began the practice of his profession alone at St. Marys, June 1, 1888. He did not have a tedious wait for clients. Being well known and personally very popular he soon built up a good business, which continued to grow so long as he was in practice. In 1890 he formed a partnership with J. H. Goeke, under the firm name of Mooney & Goeke, which remained in effect until he was elected to the Bench of the Common Pleas Court. He held the office of city solicitor of St. Marys for two terms. In the fall of 1892 he was elected to fill a vacancy on the Common Pleas Bench of the first subdivision, third judicial district, to fill the unexpired term of Judge John Day, who had resigned to accept a seat on the Bench of the Circuit Court. He was re-elected in 1894 for a full term. In 1895 he was the candidate of his party for judge of the Supreme Court, but was defeated with the ticket in the landslide of that year. In his own district where he was best known he ran far ahead of his ticket. He has gained a reputation for legal acumen that is remarkable for a man of his years. The public is apt to estimate a man at about his true worth where they have opportunities of observation, as with a man on the Bench of a *nisi prius* court, and no truer estimate of a judge's ability is obtainable than is made up from the opinions of the men who practice in the court over which he presides. Referring to Judge Mooney's career at the Bar and on the Bench, one of the prominent practitioners of the district says:

"I have known Judge Mooney all his life, as a boy, as a student, as a lawyer and as a judge, and I can truthfully say I have always known him as a leader. At school he was a leader in his classes, as he also was out of school in making life miserable for residents of the town. He was always fond of athletic sports, and he is a well developed man both physically and mentally. Anything he undertakes he does thoroughly. He has the quick intuition of his race, a strong, well balanced mind, and industry and will-power to accomplish his purposes. He is a warm-hearted man, and there is no counterfeit in the cordiality with which he meets his acquaintances. He possesses in a degree that quality which is commonly defined as magnetism, but a better definition of the term would be a just appreciation of what is due others. He is unassuming in his manners, and is personally one of the most popular men in the district. As a lawyer he leaped into the front rank at the Auglaize county Bar at a single bound. As a judge he is recognized as one of the ablest jurists on the Common Pleas Bench in this section of the State. Attorneys in the district have absolute confidence in him in every respect, and feel that when he has passed on a case they pretty nearly know the law that will govern it. He is fair and impartial, and is respected by the public just as highly as he is by the profession."

A judge of one of the higher courts of the State adds: "Judge Mooney's opinions are very highly respected by the members of the higher courts. It is very rare that any of his cases are carried up. He has a profound knowledge of the law, and his judgment is very accurate. He seems to have a natural affinity for the law, and his work on the Bench evinces hard and conscientious study of the law books. He has a strong mind, trained carefully and methodically."

Judge Mooney is not a society man. His time is devoted to his profession, his family and his books. In politics he is a Democrat, and manifests due interest in all political questions, although he has never accepted any office not related to his profession. He was married August 31, 1892, to Miss Mary E. Spellacy. They have two daughters, Catherine and Eleanor.

JOHN J. MOORE, Ottawa. Judge John J. Moore, for six years on the Common Pleas Bench, and late Judge of the Circuit Court, is a native of Ohio. He is of Scotch-Irish extraction on both sides. The ancestors of his father emigrated from the North of Ireland in the seventeenth century and settled in Pennsylvania, and the ancestors of his mother came from the same locality to Pennsylvania about the middle of the eighteenth century. His paternal grandfather, James Moore, served under General Anthony Wayne in some of the expeditions against the Indians, and his maternal grandfather, then a resident of Ohio, served in the War of 1812. Both parents were born in Pennsylvania, the father in 1800 and the mother two years later. His father, James Moore, came to Ohio in his twenty-fourth year and settled in the wilderness of Trumbull county, which was then inhabited largely by Indians and wild animals. Here he cleared and cultivated a farm, and here married Margaret Johnson, who as a child of nine years had come from her native State of Pennsylvania in 1811 and settled in the primeval forest of Trumbull county. His father carried on the business of a tannery in addition to his farming, was a prosperous business man and lived until 1879. His mother lived for about seventy years in the neighborhood where she settled in 1811, and assisted also in transforming the wilderness into a garden of fertility and beauty. She died in 1880. Judge Moore was born August 3, 1835, on the farm situated in Milton township, Trumbull county, as it was then, which has since become a part of Mahoning county. Until eighteen years of age he worked on the farm steadily except during the winter, when he attended the district schools in the township of his birth. At eighteen he entered upon an independent career for himself, teaching school in the winter and attending schools of higher rank in the summer, in order to enlarge and perfect his own education. In this manner he supported himself and paid his expenses for five years, at Mount Union College, near Alliance, Stark county. By alternate teaching and study—managing a district school in winter and attending college in summer—he acquired a liberal education. In 1861 he commenced the study of law in the office of Honorable S. W. Gilson, at Canfield, and continued his reading there under

instruction until the spring of 1863, when he was admitted to the Bar. He was fortunate at the beginning of his practice in being associated as a partner with his preceptor, Mr. Gilson, who was not only a very able practitioner, but a gentleman of literary culture and distinction in his section of the State. The partnership was continued until the fall of 1866, when Judge Moore removed to Putnam county and settled in Ottawa. This place has been his home continuously for more than thirty years and during all that time his abilities and energies have been devoted to his profession. When not engaged in practice at the Bar he has been occupied with service on the Bench. He formed a partnership at Ottawa with C. J. Swan, in the firm of Swan & Moore, which was maintained until he was elected judge of the Court of Common Pleas in the fall of 1878. In 1883 he was re-elected and entered upon the duties for a second term. A year later, however, he was nominated and elected judge of the Circuit Court for the Third Judicial Circuit, comprising nineteen counties in the northwestern corner of the State. In 1889 he was re-elected for a term which expired in 1895, so that his judicial service covered a period of sixteen years—six on the Common Pleas and ten on the Circuit Bench. He was not a candidate for a third term as Circuit Judge, but resumed practice in the various courts upon retiring from the Bench. He has been engaged in all the important litigation and in some of the criminal cases in Putnam county. Among the latter was the case of John Goodman, indicted for the murder of Haywood and his wife, in which he was retained for the defendant. It was a case exciting deep interest in the community and the evidence against the accused was so clear and overwhelming that he was convicted and hung, despite the able defense put up for him. During the six years Judge Moore occupied the Bench of Common Pleas he tried seven murder cases, a record unequalled in that part of the State by any other judge. Five of these cases were tried in Henry county. Among them was the State of Ohio vs. R. K. Scott, who was a general of volunteers in the Union army during the Rebellion and subsequently was Governor of South Carolina. He was charged with the murder of a young man named Drury, but was acquitted on proof that the shooting was accidental, the pistol having been discharged by catching the hammer on the margin of a pocket from which it was being removed. Judge Moore was first elected to the Legislature in 1869 and again in 1871, taking an active part in the legislative proceedings during the sessions of 1870 and '72-3. He has always been a Democrat, but too much of a lawyer to enjoy a life of political office holding. Before his election to the Bench it was his custom to support his party by an active campaign on the stump. He was a delegate to the National Democratic Convention which was held at Indianapolis in 1896, and supported the ticket there nominated. He has been a member of the State Bar Association of Ohio from the date of its organization, and was chosen president of it in 1889. He is also a member of the National Bar Association, and of the American Bar Association. His social and benevolent traits find expression to a degree by membership in the Masonic Lodge. Judge Moore has travelled extensively in



J. M. Henderson

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the United States, visiting every section of the country and gathering valuable information concerning physical characteristics of different sections. He was married in 1859 to Miss E. C. Patterson, of Mahoning county, whose father, Hugh Patterson was of Scotch descent, and whose mother, Anna Van Etten, was of Dutch descent, her ancestors being among the Hollanders who first settled New Amsterdam (New York). They have one son, Gilson Moore, who is engaged in mercantile business in Ottawa.

JOHN M. HENDERSON, Cleveland. John M. Henderson, who is entitled to be classed as one of the representative lawyers of the State, was born April 14, 1840, at Newville, Richland county, Ohio. His father, Dr. James P. Henderson, an eminent physician who continued in the practice of his profession until 1885, was one of the pioneers, coming to the State from Pennsylvania in 1823, where his ancestors had settled. Dr. Henderson, as early as 1838, was elected to the State legislature and in 1850 was a member of the convention which prepared the present Constitution of Ohio. The Hendersons were of Scotch-Presbyterian stock, the first of the family having been sent to this country as a missionary by the Scotland Presbytery of Fife, about the year 1753. His mother was Ann Moreland, whose family ancestors came originally from the North of Ireland and settled in Pennsylvania. The subject of this sketch was one of four children, the others having died in childhood or early youth. Young Henderson's education commenced in the district schools and at an academy near home. Upon leaving the academy he entered the preparatory department of Kenyon College, where he remained three years and until the end of his freshman year. From there he entered Miami University at Oxford, Ohio, where he was graduated in 1862. This latter college was one of two universities of this State founded upon grants from the general government, the other being the Ohio University at Athens. He was allowed to select his own profession. Law being his choice he entered the office of Judge Darius Dirlam, of Mansfield, who became his preceptor in the preliminary study of the profession he had chosen. Later he went to Cleveland, and entered the Cleveland Law School, from which he received his degree of LL. B. in 1864. He immediately commenced the practice of law, not limiting his practice to any particular branch of the profession. There have been no breaks or interruptions in his practice, and to-day it has grown to large proportions, and he now enjoys as select a clientage as any lawyer in Cleveland. Several times efforts have been made to induce him to accept the nomination for a judgeship. His high character as a man and his strong judicial mind eminently fit him for the Bench. However, he has invariably declined the honor, preferring to continue in active practice, for which he is so well qualified. One of the leading judges of Cleveland, speaking of Mr. Henderson, says: "He is, without doubt, one of the best lawyers at this Bar, always careful, painstaking and considerate in his work, and if I wanted an opinion

upon an intricate legal proposition there is not a lawyer in the State better qualified to give it and to whom I would give preference." He has one of the best law libraries in the city and possesses the rare quality in a lawyer of knowing how to use it. He cannot be called a great jury lawyer, but as a safe counsellor he excels, and in the trial of equity cases and argument before the court he is excellent. Quick to see the finer points in a case, he presents them with a force of logic which is remarkable. He possesses a high sense of honor, is faithful and just in the discharge of every duty. These are the virtues, coupled with the man's gentleness of character, which have gathered about him so many close friends. He not only has the respect and confidence of the Bar, but of all who know him. His first partner was John C. Grannis, with whom he was associated from 1865 to 1874. Afterwards he was associated with Virgil P. Kline, from July, 1875, until October, 1882, under the firm name of Henderson & Kline. The latter year S. H. Tolles was admitted to the partnership and the style of the firm became Henderson, Kline & Tolles, which continued until 1895, when Mr. Henderson withdrew and formed a partnership with F. A. Quail, the firm now being Henderson & Quail. Mr. Henderson has been engaged in many important cases, of which the following are noted: Talcott vs. Henderson, as fixing for the State of Ohio the rule as to the duty of purchaser in insolvent circumstances to disclose his condition in making purchases of property on credit; Ohio vs. Lake Erie Iron Company. This was a case involving the constitutionality of an act of the Ohio legislature requiring corporations to make bi-monthly payments to their employes, being one of several acts passed about the same time attempting to restrict the right of employers in dealing with employes. Another important case was that of Laubeck vs. Andrews, defining the rights of owners of land covered by non-navigable lakes throughout the State, as against the public and owners of marginal lands. In politics Mr. Henderson is a Republican, always taking an active interest in political questions which affect his party or country, but never a seeker of public office; and with the exceptions of a few minor positions he has never held office. He is not a member of any society or club that might tend to divide his time with his family. In 1872 he married Anna Carey, and they have a most interesting family of seven children, six daughters and one son, all living.

FRANKLIN J. DICKMAN, Cleveland. Honorable Franklin Jackson Dickman, LL. D., ex-Chief Justice of the Supreme Court of Ohio, was born in Petersburg, Virginia, August 22, 1828. His parents were Joseph Dickman and Mary Foster Bartlett. His mother, Mary Foster, born in Dudley, Massachusetts, was a great-granddaughter of Timothy Foster, of Dudley, who, with his twelve sons, served in the American Revolutionary War, all at the same time. For her first husband she married Nathaniel Bartlett, a relative of Josiah Bartlett, one of the signers of the Declaration of Independence. Upon removal to Petersburg, Virginia, her husband there died, and she married Joseph Dick-

man, who was born in New England and came of distinguished ancestry. (Joseph Dickman and his wife are buried in the Blandford Cemetery, in the suburbs of Petersburg.) The subject of this biographical notice was fitted for college at the Petersburg Classical Institute, under the instruction of the Rev. Dr. E. D. Sanders, late of Philadelphia, and in the same class with General Roger A. Pryor, who was an officer in the Confederate service and afterwards became one of the Supreme Court judges of the State of New York. At the age of sixteen he entered the junior class of Brown University, at Providence, Rhode Island, and was graduated at the age of eighteen, with the salutatory honors of his class. During his college course the Rev. Dr. Francis Wayland, author of "Moral Science," was president of that institution, and among Mr. Dickman's classmates were Chief Justice Thomas Durfee, of Rhode Island, the Honorable Francis Wayland, ex-lieutenant governor of Connecticut, and now at the head of Yale College Law School, and the Honorable Samuel S. Cox, who long bore the pseudonym of "Sunset Cox." After graduation Mr. Dickman spent a year at the university, during which time he availed himself of the ample facilities there offered for literary and scientific study. Leaving the university he entered the law office in Providence of the Honorable Charles F. Tillinghast and Honorable Charles S. Bradley, and at the end of two years was admitted to the Rhode Island Bar. He opened an office in Providence and there remained in the practice of his profession until his removal to Cleveland, Ohio. In 1857 he was the candidate of the Democratic party of Rhode Island for the office of attorney-general of the State, running on the same ticket with General A. E. Burnside, who was the Democratic candidate for Congress for the Eastern District of Rhode Island. In 1858 Mr. Dickman was appointed a member of the board of visitors to the West Point Military Academy, and was made secretary of the board. While a member of the board and under inducements held out by several of its members, he determined to change his residence, and in November, 1858, left Providence for the purpose of locating in the West. Having finally concluded to settle in Ohio, he spent a few weeks in his native place, Petersburg, Virginia, and then went to Cleveland, where he has ever since resided. On the breaking out of the war between the States he ardently espoused the cause of the Union, and in 1861 was nominated as a War-Democrat by the Union party of Cuyahoga county for member of the Ohio House of Representatives, and was elected by a large majority. In that body he was made chairman of the committee on railroads and was a member of the judiciary committee, and of the committee on municipal corporations. On the 24th of December, 1862, he was married to Miss Anne Eliza Neil, only daughter of Robert Neil, Esq., of Columbus, Ohio, and granddaughter of the Rev. Dr. James Hoge, a son of Dr. Moses Hoge, president of Hampden-Sidney College, Virginia, who was pronounced by John Randolph the most eloquent man he ever heard in the pulpit or out of it. Mr. Dickman has three children now living, a son, Robert Neil Dickman, and two daughters, Edith Hoge Dickman and Mabel Elkin Dickman. At the close of his legislative term he formed a law partnership with the Honorable Rufus P. Spaulding, who had just been

elected to Congress from the Cleveland District, which partnership was continued until May, 1875. In March, 1867, he was appointed by President Johnson, United States attorney for the northern district of Ohio, which office he resigned in March, 1869. In April, 1883, he was appointed by Governor Charles Foster a member of the Ohio Supreme Court Commission, and served two years, until the commission terminated by the operation of law. In November, 1885, he was appointed by Governor J. B. Foraker a judge of the Supreme Court of Ohio. In July, 1887, he was nominated by the Republican State Convention assembled at Toledo for judge of the Supreme Court of Ohio, to fill the unexpired term of Judge W. W. Johnson, then deceased, and was duly elected at the following November State election. In June, 1889, he was renominated by acclamation by the Republican State Convention, at Columbus, for judge of the Supreme Court, for the full term of five years, beginning February 9, 1890. Under the judicial system of the State he became Chief Justice of the court in February, 1894. The written opinions of Mr. Dickman while judge and Chief Justice of the Supreme Court may be found in volumes XL to LII of the Ohio State Reports, and cover a wide range of legal questions. Among his decisions are many involving important constitutional questions, and in cases which are now leading authorities. From the many we may cite the following: *Anderson vs. Brewster*, 44 Ohio St. Rep., 576, settled that the act known as the Dow Law, which provided for an assessment or tax upon the business of trafficking in intoxicating liquors was not in effect a license law, was not within the inhibition of the 18th section of the schedule of the Constitution of Ohio, and in no respect violated the Constitution. *State vs. City of Hamilton*, 47th Ohio St. Rep. 52, quo warranto, involved the constitutional right of the municipality to erect its own gas works at the expiration of its contract with an incorporated gas company which had erected works and supplied gas for streets and public and private buildings. The company contended that it had been deprived of vested rights by the municipality. In *State vs. City of Toledo*, 48th Ohio St. Rep., 112, quo warranto, was considered the constitutional power of the defendant to issue its bonds and exercise the taxing power to pay the principal and interest thereon, for the purpose of erecting natural gas works to supply gas for public and private uses. In *Railway Company vs. Telegraph Association*, 48th Ohio St. Rep., 390, there was a full examination of the respective rights of telephone companies and electric railway companies. It was held as a fundamental rule that the dominant purpose for which streets in a municipality are dedicated and opened is to facilitate public travel and transportation, and in that view new and improved modes of conveyance by street railways are by law authorized to be constructed; and a franchise granted to a telephone company for constructing and operating its lines along and upon such streets is subordinate to the rights of the public in the streets for the purpose of travel and transportation. The doctrines announced in this opinion were favorably commented upon and approved by Lord Chief Justice Coleridge, of the Queen's Bench in an important jury cause. In *State ex rel vs. Jones*, Auditor, 51st Ohio

St. Rep., 592, mandamus, the statute known as the Nichols Law, for the taxation of express, telegraph and telephone companies, came under review, and it was contended with great ability that the statute was in conflict with the State and Federal Constitutions. The case was taken on error to the Supreme Court of the United States, where the opinion of Chief Justice Dickman was carefully considered in argument and the decision of the Supreme Court of Ohio affirmed. On June 22nd, 1892, the honorary degree of Learned Doctor of Laws was conferred upon Judge Dickman by his Alma Mater, Brown University. While engaged in the practice of his profession he did not forget the liberal studies of earlier years and found time to prepare many orations and addresses for literary and patriotic occasions. During the existence of the New York *Knickerbocker Magazine* he published in its pages a series of articles requiring much research, on Butler's "Horae Juridicae," and was the author of several elaborate contributions to other periodicals on historical subjects. There is a curiosity of literature connected with Mr. Dickman's student life in Rhode Island, which may be of interest to some readers. Mr. Rufus Choate, in his noted letter to the Maine Whig committee, in 1856, refers to the "glittering generalities of natural right which make up the Declaration of Independence." Bartlett, in his "Familiar Quotations," 9th edition, 1896, in a note to the quotation from the Maine Letter, says: "Although Mr. Choate has usually been credited with the original utterance of the words 'glittering generalities,' the following quotation will show that he was anticipated therein by several years: 'We fear that the glittering generalities of the speaker have left an impression more delightful than permanent'"—Franklin J. Dickman, review of a lecture by Rufus Choate, *Providence Journal*, December 14, 1849. Judge Dickman is a most charming and companionable man. Notwithstanding he has lived away from the South since his boyhood days, he retains all of the characteristics of the true southern gentleman of the old school. Gentle, considerate and thoughtful of others, he has a host of friends and admirers, not only in his adopted city, but throughout the State of Ohio and the country. The lives of such men make the world better by their living. While Judge Dickman is an able lawyer, and while he spent many of the best years of his life in active practice, it must be from the standpoint of a jurist that he will be judged in the future. A most important service was rendered to the public of this State when Judge Dickman was appointed a member of the Supreme Court Commission, as it directed the public to his eminent fitness for the Supreme Court, a position to which he was subsequently twice elected. No member of our Supreme Court has brought to the discharge of its duties higher qualifications for the position than he. During the ten years he was on the Bench he never forgot the responsibilities of, or the requirements necessary to the position he so ably filled. His opinions are not only profound expositions of the law upon the questions involved in the case, but they are the best statement of the reasons for the existence of the law as adjudged. No one can read them without recognizing the mind of a great master. In his breadth of scholarship, in his legal learning, in his lucidity of

statement and in his mental integrity, no judge of the Supreme Court is entitled to a higher rank. In these respects he may be compared to the late Justice Story, of the Supreme Court of the United States.

*DANIEL R. TILDEN, Cleveland. Daniel Rose Tilden, late judge of the Probate Court, of Cuyahoga county, was a noteworthy character. He was born in Lebanon, Connecticut, in November, 1807, and died in Cleveland March 4, 1890. All of his adult life was spent in Ohio. He came to this State at the age of twenty, and settled first in Portage county. Having studied law with Judge Rufus P. Spalding at Warren, he was admitted to the Bar and removed with his preceptor to Ravenna, where the firm of Spalding & Tilden was formed, and continued in practice until Portage county was divided and Summit organized. Upon the removal of Judge Spalding to Akron, Mr. Tilden continued in practice at Ravenna in partnership with W. S. C. Otis until his election to Congress in 1844. He was re-elected in 1846, and at the close of his congressional service removed to Cleveland, where his residence was maintained to the end of his life. His law practice was conducted in partnership with Robert F. Payne, and was continued until 1854, when he was elected judge of the Probate Court. For eleven successive terms Judge Tilden was elected to this office, in which he served thirty-three years. He retired in 1888, after he had exceeded the limit of four score years, enjoying the confidence of the public and the respect of all the Bar. He was married three times, his last wife being Cornelia Lossing, who survived him. His life was pure and clean, such as to deserve the high tribute indicated by his repeated elections. Judge Tilden was succeeded in office by Judge Henry C. White, who, on request of the editor, has prepared the subjoined comment and estimate :

“The Probate Court as an institution of government in the United States, while being the direct successor of the ancient secular county tribunals in England, known as Memorial Courts, nevertheless now exercise the same functions that the later ecclesiastical courts in England were wont to exercise. Probate and testamentary causes finally became wholly remitted to the care of ecclesiastical officers, and this impressed the service of the probate official with a peculiar character. The Probate Court has always been intimately connected with the domestic and family life of the people. The dignity and responsibility of the Probate Court is well stated by Mr. Schouler in his admirable treatise on executors and administrators in the following language: ‘As befits an authority which pervades the threshold and exposes to public view the chamber of mourning, probate jurisdiction in the United States is exercised with great simplicity of form, coupled with dignity and decorum.’ The clientage of probate jurisdiction generally comes into the court clad in the habiliments of mourning, and all the tender sympathetic aid that can be rendered to the widow and orphan, while under the shadow of bereavement, is



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Lawrence Hilden

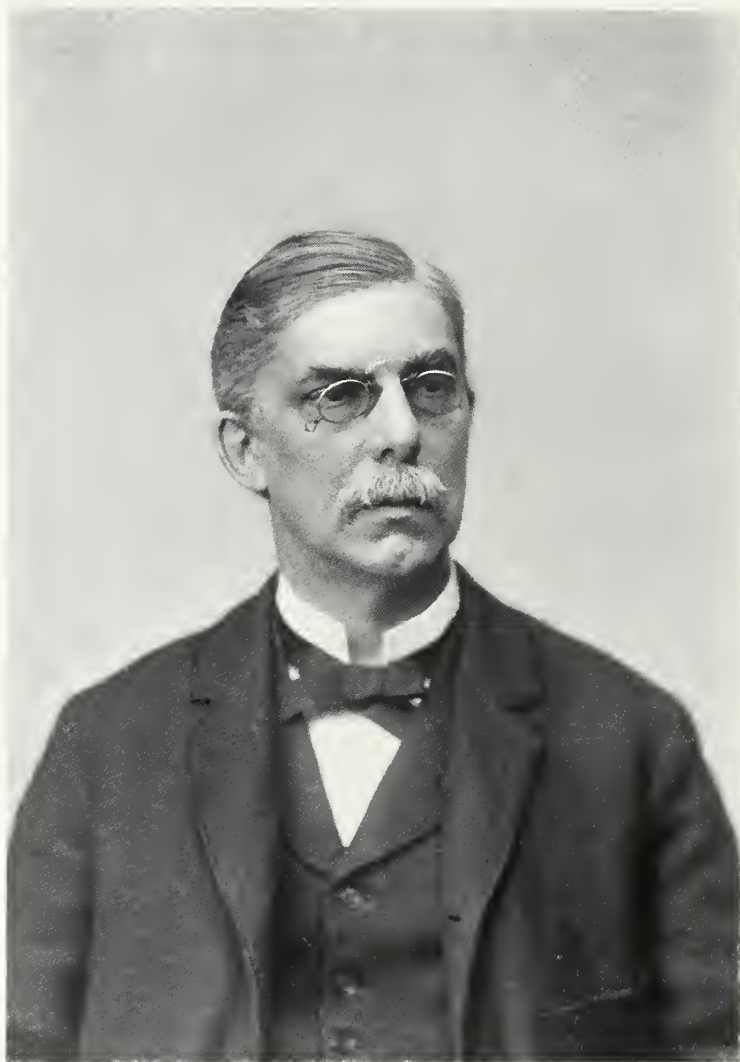
expected from the presiding judge. This marks the service of the probate judge at once as being of a peculiar character. He is clothed with judicial dignity, and yet must be ever open to the informal approach of widows, orphans and humble classes of the laity without ceremony. To him are confided the most delicate and profound secrets of the family history. He is required to be learned in the law, and, coupled with this qualification, he is ever called upon to exercise that weight and accuracy of judgment in business affairs with which a good solicitor or business manager is supposed to be endowed. He becomes, therefore, counsellor as well as judge, and it is his ordinary experience also to become a consoler and comforter of those in great distress. The successful administration, therefore, of the probate office, demands peculiar personal qualities in the judge. Honorable Daniel R. Tilden, as has been stated in this sketch, exercised the responsible functions of the probate judgeship in Cuyahoga county for thirty-three successive years, having been elected every third year by the people of the county at large. During this period the county grew in population from about one hundred thousand to four hundred and fifty thousand. A succession of more than one generation transpired during his incumbency. During all those years there was scarcely a family in the whole county whose interests were not in one way or another brought to the knowledge and attention of the probate judge. His court is required by law to be open for the transaction of business every day in the year, except holidays and Sundays, and it became his daily function to give counsel and advice upon every conceivable domestic concern, and to stand as the general counsellor for all the people. These habitual duties not only presupposed but cultivated certain peculiar qualities in the judge. He was required to have an intimate knowledge of the tendencies and impulses of human nature. He must exercise absolute impartiality and hold sacred the confidences confided in him. Over all he must exercise the most constant and unwearied patience. Judge Tilden was profoundly gifted in all these qualities. He was a man of very broad sympathies; he was intimately acquainted with the struggles and trials of the common people, in their domestic life, and both from experience and taste exercised a very wise and abundant sympathy in everything pertaining to the rights and duties of the domestic relation. He became in fact as well as in theory the ultimate guardian of all orphans in the county. In the exercise of the peculiar functions of the probate office he became, like ancient Job, filled with a spirit of unwearied patience under all circumstances, and it may be said of him, as of Job, that, 'he was a father to the poor, and the cause which he knew not he searched out.' Patience with him was not a mere negative quality—it became a positive virtue. No emergency or surprisal of excitement could cause him to relax self-control or move him to abate in any degree that calm complacency and discriminating patience. The elder Pliny, the great jurisconsult, once wrote his emperor, that 'patience in the judge played no small part in the administration of justice.' This patience and self-control were not a matter of temperament with Judge Tilden; they were the result of long years of discipline in an office in which patience is of the

highest value in the incumbent. Judge Tilden, while endowed by nature with great powers of reasoning and discrimination, was not, under all circumstances, an arduous student. By his professional education and studies he had become thoroughly imbued with the fundamental principles of jurisprudence, and he was perfectly familiar with all the statutory laws affecting his official action. It took an occasion or cause of unusual interest to move him to review or investigate legal learning for immediate application. Ordinarily in all the discharge of his judicial duty, he was sufficiently equipped to deal with the probate business without special effort or preparation, but, when occasion seemed to require it, he aroused himself and applied the learning of the law with such discrimination and vigor, as to manifest to all, profound abilities as a jurist. He left very few reported cases on record during his long judicial career. The reason of this was that there never had been systematic reporting or preservation of the numerous important causes tried in the probate courts of the State; but some of his decisions in important cases were published in the public press and in pamphlet form, and rank with the work of our ablest judges. In another respect he was a remarkable judge. He had a most retentive memory and a masterful grasp of complicated facts when presented in the trial of a case. He would listen for days to a volume of oral testimony, keeping but few notes, and attend at the same time to the constant interruptions to which the probate judge is always subjected by the current business of the office, and at the end of the trial, and after argument, analyze the evidence and marshal the facts upon the lines of soundest reason, and render a judgment in such moderate terms and kindly spirit, and with such profound good sense, as to satisfy both parties of the wisdom, justice and soundness of his decision. This was one of his peculiar and high qualifications as a jurist. The explanation of this masterful ability to open a direct way to the truth through a mass of conflicting evidence lay in his possession of profound common sense. He had an almost intuitive knowledge of the operations of the ordinary laws which govern our common human nature. As usual in men of broad sympathies, there was ever a fountain of sweet and wholesome humor in him, which bubbled over on all proper occasions, and often mellowed the asperities of the contention before him. The two dominant characteristics of Judge Tilden as a probate magistrate were his broad and active sympathies with the struggles of the common people in their daily domestic life, and his profound and never failing common sense. In a public career of unusual length, extending over a period of more than thirty years, no man in our country ever discharged the responsible and delicate functions of a judicial office in a station immediately connected with the concerns of all classes of people with greater acceptance and favor than Honorable Daniel R. Tilden."

EDWIN T. HAMILTON, Cleveland. Honorable E. T. Hamilton, for twenty years judge of the Court of Common Pleas, was born in Newburg (now a part of the City of Cleveland) on the 13th day of July, 1830. His father, Justus Hamilton, a farmer, was one of the first settlers of Cuyahoga county, coming to Ohio in 1801 from Massachusetts. His family had been among the first settlers of New England. He is of Scotch-Irish ancestry and his lineage is traced to the sturdy race from the North of Ireland. His mother, Salinda Brainard, was born in Connecticut. Her parents were among the early settlers of Northern Ohio. Miss Brainerd was a direct descendant of Daniel Brainard, who, when a lad of eight years, was brought to the United States from England, and who, in the year 1662, became the largest landholder in Haddam, Connecticut. The early days of young Hamilton, the subject of this sketch, were spent upon the farm and his first education was received in the public schools of the district. About 1848, when in his eighteenth year, he was sent to Allegheny College at Meadville, Pennsylvania, where he remained for two years, and left before graduating. Shortly afterwards he took up the study of law under the direction and in the office of Kelly, Bolton & Griswold, at that time one of the leading law firms of Cleveland. In 1854 he was admitted to the Bar. The same year he went West, locating at Ottumwa, Iowa, and was admitted to practice by the Supreme Court of Iowa. In less than a year he returned to Cleveland and took up the practice of law. His first partnership was with Mr. Wyman, and the firm of Wyman & Hamilton continued until the summer of 1862, when he enlisted as a private in Company D, Eighty-fourth Regiment Ohio Volunteer Infantry. The regiment was stationed in Maryland, doing guard duty on the south branch of the Potomac river for a period of four months, when it was disbanded. He returned to Cleveland and resumed the practice of law, under the firm name of Hamilton & Dennison. This firm continued until the summer of 1875, when he was elected judge of the Common Pleas Court for a term of five years. The nomination came to him unsought. In fact he knew nothing of the movement until the afternoon before the nominating convention met, when some of the leaders came and informed him that he was to be nominated. He was elected for four successive terms, having a continuous service of twenty years, and would now be serving his fifth term had he allowed himself to be again nominated. Judge Hamilton is admitted to be among the ablest of the *nisi prius* judges that ever sat on the Bench in Cuyahoga county. He is of even temperament, possessing a fine legal mind; is always cool, deliberate, considerate and firm, and a close student. In the clear interpretation of the statutes he is unexcelled. His decisions are precedents and are frequently quoted by the present judges of Cleveland. Judge Hamilton is a most lovable man. Kind, gentle and considerate, he has a host of admirers. In him the younger members of the Bar have a true and valuable friend, who is always willing and ready to assist and aid them in their work. A lawyer can possess no greater quality than this, and no virtue that could make him more respected and loved by the profession. Judge Hamilton is now associated with his son, Walter J.,

and Halbert D. Smith, under the firm name of Hamilton, Hamilton & Smith. It is not his purpose to again engage in the active practice. His work now is more in the way of directing and counselling the younger ones, and occasionally engaging in the trial of important causes, when the finer questions of law are involved. He is the lecturer of the Franklin T. Backus Law School of the Western Reserve University, on the law of *res adjudicata* and collateral attack. In 1863 he married Miss Mary E. Jones, of Cleveland, and by this union two children were born, a son and a daughter. Mrs. Hamilton and both children are living.

JOHN F. HERRICK, Cleveland. Colonel John Frank Herrick was born at Wellington, Ohio, on the 23rd of February, 1836. His father, Ephriam Herrick, was a farmer and a native of Massachusetts, who came to Ohio in 1830 and settled in Wellington, Lorain county. He was of English extraction. One of the family was a colonel in the American Revolution and commanded a regiment under General Stark. His mother, Chloe Wilcox, was also a native of Massachusetts. Young Herrick, when old enough, was sent to the common schools of his native village, later entering the academy. In 1856 he went to Oberlin College, and spent two years in the preparatory department. In 1858 he entered upon his collegiate course and was graduated in 1862. Some three months before the college conferred upon him the degree of Bachelor of Arts he had recruited a company of volunteers for service in the Union army. This company became a part of the Eighty-seventh Regiment Ohio Volunteers, and he was in the field at the time of receiving his degree. He was captured at Harper's Ferry by General Stonewall Jackson and was at once paroled. Coming to Cleveland he commenced the study of law at the Ohio State and Union Law College, from which institution he was graduated in June, 1863. About this time he was exchanged. He at once organized another company, and in July of the same year was elected major of the Twelfth Ohio Cavalry. He served with his regiment in the western army under Generals Burbridge and Stoneman; was promoted in regular order to lieutenant-colonel and was mustered out of the service in 1865. In the fall of that year he commenced the practice of law at Cleveland in partnership with his brother, G. E. Herrick. The firm then formed continued until 1890. Colonel Herrick has since that time engaged in a general practice alone. He is a man of high character and a lawyer of ability, and has had much to do in the management of large estates. He is interested in educational affairs and is now a member of the board of education for East Cleveland. In politics he was a Republican until 1896, when he left the party and supported the Democratic ticket for President, believing that independent bimetalism was the only remedy for the wrongs the people of this country are now enduring. He was nominated in 1897 as candidate on the Democratic ticket for State senator for Cuyahoga county. He has never held or sought office. This nomination came to him without the asking. In 1866 Colonel Herrick married Mary B. Clay,



CHARLES CANDEE BALDWIN.

a daughter of Cassius M. Clay, of Kentucky, and by the union three children were born, the eldest of whom, Clay Herrick, is now the principal of Western Reserve Academy at Hudson. He married in 1877, Flora E. Waring, of Cleveland. By this marriage there were five children, one son and four daughters, all of whom, with their mother, are living.

CHARLES C. BALDWIN, LL. D., deceased. Honorable Charles Candee Baldwin, late of Cleveland, was for ten years judge of the Eighth Circuit of the Circuit Court of Ohio. In his premature death, on February 2, 1895, not only his family and the wide circle of personal friends, but the higher interests of the City of Cleveland, of the State of Ohio, and indeed the whole country, suffered an irreparable loss. Charles Candee Baldwin was born December 2, 1834, at Middletown, Connecticut. His parents were Seymour Wesley and Mary Candee Baldwin. Early in the seventeenth century the Baldwins were a prominent family in Aylesbury, England, from which place most of them emigrated to Connecticut in 1637. Sylvester, the direct ancestor of Judge Baldwin, died, however, on shipboard before reaching his destination. Mrs. Baldwin was a bright, attractive and intelligent young woman, of a French Huguenot family early in Connecticut and descended, through her mother, from such worthies as William Pynchon, the first treasurer of the Massachusetts colony and the founder of Springfield; Captain Wadsworth, who hid the Connecticut charter, and the famous secretary, John Allyn, of that colony. In every line the lineage of John Baldwin is purely Connecticut for two hundred years. When Charles was five months old his parents removed to Elyria, Ohio. A considerable part of the journey was made by boat on the Erie canal, at that time the most luxurious mode of travel. Judge Baldwin's father was a most energetic, successful and highly respected merchant in Elyria from 1835 to 1847. A little more than a year after reaching Elyria, Charles's mother died, leaving his brother David an infant five days old. After a time the father married a second wife, Miss Fidelia Hall, who thus came into the care of these small children. Of her Judge Baldwin wrote, that she was as gentle and conscientious as any mother could be. In 1847 the family returned to Connecticut and resided for nine years in Meriden. During this period, when fourteen years of age, Charles entered a boarding school in Middletown to prepare for college. Among his companions at that time, and one with whom he maintained pleasant associations in later life, was the distinguished historian, John Fiske. At the age of sixteen Charles entered Wesleyan University, Middletown, graduating with honor in 1855, at the age of twenty. Among his classmates was Justice Brewer, now of the Supreme Court of the United States. Immediately upon graduating from college young Baldwin entered Harvard Law School, taking the degree of LL. B. in 1857. Coming to Cleveland in March of the same year he entered the law office of S. B. & F. J. Prentiss, and was admitted to practice in October, 1857. The advantage and training

of this partnership were very great, since no one has ever occupied the Bench of Cuyahoga county who had the reputation of possessing a more accurate and logical legal mind and more learning than the senior member of this firm, who ten years later was elected to the Bench in Cleveland, and continued there until he retired some years afterwards. On being admitted to the Bar young Baldwin located first in the office where he studied, and in 1861 was admitted to equal partnership by the senior of the firm, under the name of S. B. Prentiss & Baldwin.* In 1867 the firm was dissolved by the election of S. B. Prentiss to the Bench of the Common Pleas Court, and the successive partnerships became C. W. Prentiss & Baldwin, Prentiss, Baldwin & Ford, afterwards Baldwin & Ford, which latter was the style when, in 1884, Mr. Baldwin was nominated to the Circuit Bench, a position which he held at the time of his death, having been re-elected a third time shortly before that lamented event. On the 8th of September, 1862, Judge Baldwin was Married to Miss Caroline S. Prentiss, a daughter of Charles W. Prentiss, who was later one of his partners. All of the Prentisses here mentioned with whom Judge Baldwin was associated were sons of Judge Samuel Prentiss, of Vermont, who was United States Senator from 1830 to 1842. Judge Baldwin's devotion to his family and his attachment to home life were marked features in his character. Outside of his family circle he spent little time in social recreation. Of his four children, two died in early years. Of the two surviving children, Mary Candee is the wife of Dr. John P. Sawyer, Professor of Medicine and Clinical Surgery in the Western Reserve Medical College, while the son, Samuel Prentiss Baldwin, is continuing the traditions of the family: Having been admitted to the Bar, he is now actively engaged in the practice of his profession. In 1892 Judge Baldwin received the degree of Doctor of Laws from his Alma Mater. Among the many who united in nominating him for this honor was David J. Brewer, of the United States Supreme Court, who in his letter to the faculty of the university says: "He is a gentleman of high character and especially loved and honored in the State in which he has made his home during his active life. He has won a name, too, outside of the law, by his researches into the early history of the State, both before and since its settlement by the whites. He is eminently worthy of any honor the university can confer upon him, and certainly a host of friends will be gratified by hearing that he has received an LL. D. from his Alma Mater." Judge Baldwin's many decisions found in the Circuit Court reports attest his ability as judge and lawyer. His career was marked by rapid and signal success. His mind was such as to enable him to solve important questions relating to business and finance. Corporation and banking law was his special study. He was always popular with the people. In the convention of 1884 that nominated him, out of 160 votes he received 142. Though eminent as a lawyer and judge he found time for activity in various business and educational pursuits; and was a director in several banks. At one time he was trustee in two colleges and was actively connected with several other educational organizations. Among the latter the most important was

the Western Reserve Historical Society, of which he was one of the founders, and at the time of his death president. He was favorably known by historical, scientific and antiquarian societies, both in this country and Europe. He gave much time and original research to the work of the historical society. He wrote and translated a number of works, and the library and museum owe much to his judicious selections. Through his efforts a building was purchased, which is now owned by the society. The suggestion which led to the organization of the society is said to have come from him. This institution will always stand as a lasting monument to his memory. In his examination of cases he was thorough and exhaustive. His conclusion was reached upon the facts and law involved in the case without the slightest reference to the parties affected by the judgment, the personality of counsel, or any outside influence whatever. He deserved and commanded the respect of the entire Bar. His business judgment was much sought and relied upon, whether as bank director, trustee, lawyer or in the management of estates, in all of which he had much to do. His work was faithfully done. He never betrayed a trust or shirked a duty. Every associate who served with him on the Bench gladly gives testimony to his faithful, conscientious and efficient work. The judge was a member of the Presbyterian Church and in politics always a Republican. The Honorable Hugh J. Caldwell, now associate judge of the circuit, says of him: "He had a wealth of mind and heart that pre-eminently fitted him for his place on the Bench and endeared him greatly to all who knew him. His life was an open book. All the world could read him—nothing covered or secret. He had nothing to hide from his fellow men. No false pretense in him. His strong sense of right and justice was never overcome by passion. No friendship or influence was ever strong enough to swerve him from an honest and impartial judgment. He was self-reliant, industrious and thorough in his investigation of cases submitted to the court. His judgment was always based on honest purpose, a purpose so well grounded in his nature that he could not be induced to give judgment until his mind was convinced. As a man he was genial and much beloved, and honored by all who knew him. He was especially considerate of the opinions of his associates and at all times kept his mind open to conviction. He ignored self in all his work, sought criticism and always profited by it. His associates on the Bench loved him exceedingly well. They greatly mourn his loss. They will ever remember him as a true, honest and able judge and an exceedingly affable, agreeable and dear friend."

JAMES D. CLEVELAND, Cleveland. Judge Cleveland was born in Madison, Madison county, New York, on the 15th day of September, 1822. His father was Daniel Cleveland, a merchant, and his mother, Julia R. Gold, both of English ancestry. On his paternal side the Cleverlands came from Ipswich, on the east coast of England, and settled in Woburn, Massachusetts, about 1635. The family later moved into Connecticut, and James's branch of the family

went to New York State. There have always been men in the family who held high rank, both in the civil and military history of our country. The judge's grandfather, Erastus Cleveland, in his diary says: "When I was in Whiteston, situated on the great highway between Albany and Buffalo, General Moses Cleveland (a cousin of my father, Moses Cleveland) of Canterbury, Connecticut, went out and surveyed the land in Ohio belonging to the Connecticut Land Company, known as the Western Reserve, and the city of Cleveland was named in honor of him." The grandfather of James was a general in the War of 1812, stationed at Oswego, New York. He later represented his county for several terms in the New York legislature. Judge James D. Cleveland, the subject of this sketch, came to Cleveland in 1835 and was prepared for college in private schools, but was prevented from entering college by the great financial disasters of 1838. His father's failure at that time compelled him to turn his attention to something by which he could earn a support for himself. So at the early age of seventeen he commenced teaching in the district schools. In 1839 he commenced the study of law and was admitted to practice in 1843. In the same year he went to New Orleans, Louisiana, and there entered the law office of Clark & Slidell, and continued the study of law with this noted firm for two years. He then returned to Cleveland and commenced the practice of law with F. W. Bingham, but got into politics in a short time and was elected clerk of all the courts, filling this office from 1852 to 1855. About this time he was also elected justice of the peace. It was much more of an honor at that time to fill the office of justice than it is now. All the great lawyers in those days, such as Foote, Andrews and Backus, tried cases before him. He was the youngest man that ever filled the office of justice of the peace in Cleveland. He was managing editor of the *Cleveland Plain Dealer* from 1855 to 1858, and deputy Clerk of the United States Court for nine years, from 1858 to 1867. From 1869 to 1871 he was judge of the Municipal Court. Since that time he has been in practice, always alone, never having formed any partnerships. His practice has been almost entirely confined to the administration of estates and the execution of trusts involving large landed interests. He has never been a trial lawyer. Having been a schoolmate of Leonard Case, and always a friend of the family, he was made one of the trustees for "The Case School of Applied Science," a school founded by Leonard Case, Jr., by deeds of trust to real estate worth \$1,500,000. Judge Cleveland is now president of the board. He is also one of the trustees of the Society of Savings. No man in Cleveland stands higher than Judge Cleveland, having the respect and confidence of all who know him. He is to-day more active and energetic in his work than many who are his juniors by a score of years. In politics he has always been an uncompromising Democrat, following in the footsteps of his grandfathers on both sides, whose political faith and belief had its birth with the Jeffersonian teachings and with the party of 1796. Judge Cleveland married Charlotte J. Bingham in 1851 and by this union has three children, two sons and one daughter. The older son, a promising young lawyer, is now associated with his father in the practice. Mrs Cleveland and all the children are living.



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Respy Yours &c
Chas. D. Everett

CHARLES D. EVERETT, Cleveland. Charles D. Everett was born in Liberty township, Trumbull county, Ohio, on the 17th day of November, 1836. His father, Samuel Everett, was for a number of years engaged in the manufacture of linseed oil. He was born in Pennsylvania and came to Ohio with his parents in 1802. Mr. Everett is of English descent. His ancestors came to America in 1636, settled in Massachusetts and early in the eighteenth century moved to Pennsylvania. His grandfather, although too young to enlist during the Revolution, was employed as courier and bearer of dispatches, and was attached to Washington's army. His mother, Sarah Pheil, born in Pennsylvania, was of Prussian extraction. Her father came to the United States in 1795, settling in Pennsylvania at Little York, and in 1808 the family removed to Columbiana county, Ohio. For several hundred years the Pheils have been prominent in Prussia. During the Franco-Prussian war one of that name was chief quartermaster general of the Prussian army. Young Everett's education was obtained in the public schools of his native county until he was fourteen years of age. In 1850 his parents moved to Cleveland, where he continued and completed his education in the public schools. In 1856, having determined upon law as his profession, he entered the office of Mason & Estep, and commenced his studies. Later he entered the Cincinnati Law School and was graduated in 1858. Returning to Cleveland he continued in the office of his preceptors for two years, in the meantime having been admitted to practice by the district court in Hamilton county. In 1860 he opened an office and commenced the practice of his profession alone. In 1866 he went to Montana, where he engaged in gold mining some years. Returning to Cleveland in 1871 he at once resumed the practice of law, and shortly afterwards formed his first partnership with ex-Judge McMath, under the firm name of McMath & Everett. This association continued but a short time, when he withdrew and formed a partnership with M. B. Gary. Later his nephew, Frank E. Dellenbaugh, became a member of the firm, the name and style becoming Everett, Gary & Dellenbaugh. Shortly afterwards Mr. Gary retired and the firm became Everett & Dellenbaugh and later Everett, Dellenbaugh & Weed, and so continued until 1895, when Governor McKinley appointed F. E. Dellenbaugh to the Common Pleas Bench of Cuyahoga county. In January, 1897, Mr. W. D. Meals and Mr. E. E. Sluss were taken into partnership and the style of the firm became Everett, Weed, Meals & Sluss, since which time no changes have been made. Mr. Everett has for years enjoyed a large and profitable practice of a general character. He is of a studious turn, devotes great care and thought to the preparation of his cases, and conducts the trial of a case with great skill and ability. He is a man of high moral character and his standing in the community is of the highest order. He always has been a Republican, consistent in the support of party principles and taking at all times as active interest in party matters as his professional work would allow. With the exception of six years in the Cleveland city council he has never held office. In 1874 he was elected a member of the council for a term of two years and thereafter was re-elected for two successive terms,

being president of that body during the last term. He is an active Mason, having attained the Knight Templar degrees. In 1868 he married Fannie S. Johns, a native of Devonshire, England, who came to this country and to the State of Ohio as a child with her parents, settling in Cleveland. There are no children living by this union. Mrs. Everett is living.

LEONARD CASE, Cleveland. The late Leonard Case, Senior, was born July 29, 1786, in Westmoreland county, Pennsylvania, near the Monongahela river. His father, Meshach Case, was of Holland stock. The grandfather was one of four brothers who came to this country from Holland early in the last century. We know little of these brothers as individuals, only that they came from a nation that had fought the longest and bloodiest wars for religious and civil liberty against the Spanish inquisition, and had become the rival of Great Britain for the supremacy of the seas, and in planting colonies in America, Africa and the East Indies. These four Case brothers settled on Long Island and in Morris county, New Jersey, and one of them, Butler, moved into Westmoreland county, Pennsylvania, in 1778, where Meshach, a farmer, the father of the subject of this sketch, met and married Magdalene Eckstein in 1780. On the maternal side there is more knowledge of the family history. Leonard Eckstein, the grandfather, was a native of Bavaria, and was born near the ancient city of Nuremberg, the old walled and castellated city founded in medieval times, about ninety miles from Munich. Some of the brothers of Leonard Eckstein were sculptors and carvers. One worked for Frederick the Great in Berlin and Potsdam, and others at The Hague in the Netherlands. In 1750 Leonard Eckstein landed in Philadelphia, pushed on to Virginia, married in Winchester and moved again into western Pennsylvania, where his daughter Magdalene and Meshach Case were married. As the fruit of this union of the Holland and German stock eight children were born, Leonard being the oldest. In 1799 his father and mother went on an exploring expedition into Ohio, and on horseback came into the Connecticut Western Reserve, buying two hundred acres of land in the township of Warren, Trumbull county. Before returning they had raised a log cabin and cut away an acre of timber around it. The next spring, April 26, 1800, the family arrived on the spot, and with them came several of their Pennsylvania neighbors. There were not fifty people on the whole domain of the Connecticut Land Company. It was here they celebrated their first Fourth of July. Mr. Case in his narrative gives an account of the celebration, when even the musical instruments were made on the spot, the drum from the trunk of a hollow pepperidge tree with a fawn's skin stretched across the ends, and the fife from a large, strong stem of elder. Every settler, man and boy, had a gun. From April, 1800, to October, 1801, the lad (Leonard), upon whom the whole family leaned for the heaviest work on the farm and for hunting game (deer and bear), was in robust health and untiring strength. Suddenly he was prostrated with fever,

in consequence of crossing Mahoning river when overheated in pursuit of the cattle, resulting in ulcers, which made him a cripple for life, and he was never free from pain during the long years of his life. This sickness was prolonged, and it was not until the end of two years that he was able to get up and about. He determined that he would not be dependent upon charity or the labor of others. He schooled himself in reading and writing, made instruments for drafting, and in order to get books and clothes bottomed all the chairs in the neighborhood, made riddles and sieves for the grain of the farmers, and finally found himself necessary to those around him. Then his handwriting attracted the attention of the clerk of the court at Warren, and in 1806 he was absorbing all that there was to know in the laws and land titles of the county. He was appointed clerk of the Supreme Court for Trumbull county in 1806, and had an opportunity to study and copy the records of the Connecticut Land Company in the recorder's office, and when he was employed by General Simon Perkins, who was the land agent of the company in 1807, he was made his confidential clerk. From that time until 1844, when General Perkins died, they were bound together in strong and true friendship. He studied law under the direction of John D. Edwards, who at that time held the office of recorder of Trumbull county, then comprising all of the Western Reserve. While studying law he made an abstract of the drafts of the Connecticut Land Company, showing from the records of that company all the original proprietors of the Reserve and the lands purchased by them, an abstract which was so correct that it became the standard beginning of all searches of land titles, and is still copied and used by all the abstractors and examiners of titles in all of the twelve counties of the Reserve. The war of 1812 found Mr. Case at Warren, having among his other duties that of the collection of non-resident taxes on the Western Reserve. Having to go to Chillicothe to make his settlements, he prepared for his journey to the State capital by making a careful disposition of all official matters, so that in case of misfortune to him there would be no difficulty in settling his affairs and no loss to his bail. The money belonging to the several townships was parceled out, enveloped and marked, in readiness to hand over to the several trustees. The parcels were then deposited with his friend, Mr. Edwards, with directions to pay over to the proper parties should he not return in time. The journey was made without mishap, but on his return he found that his friend had set out to join the army on the Maumee, and had died suddenly on the way. To the gratification of Mr. Case, however, the money was found untouched where he had left it. In 1816 Mr. Case received the appointment of cashier of the Commercial Bank of Lake Erie, just organized in Cleveland. He immediately removed to Cleveland and entered on the discharge of his duties. These did not occupy all of his time, so he practiced law and conducted the business of land agent. The bank was compelled to suspend operations, but later was revived with Mr. Case as president. He earnestly devoted himself to the practice of law. He had a natural taste for the investigations of titles and the history of the earlier land transactions. He had ample scope to gratify his taste, and his

agency for the Connecticut Land Company from 1827 to 1855 enabled him still further to prosecute his researches. His strong memory retained the facts acquired until he became complete master of the whole history of titles derived from the Connecticut Land Company. From his earliest connections with Cleveland Mr. Case took a lively interest in the affairs of the village, the improvement of the streets, the maintenance and enlargement of the schools and the extension of religious influences. To him Cleveland is indebted for the name of "Forest City" more than to any one man. It was his thoughtfulness and public spirit that the work of planting shade trees was commenced. From 1821 to 1825 he was president of the village. When Cuyahoga county was created he was the first auditor. From 1824 to 1827 he was a member of the State legislature, where he was distinguished by his persistent labors in behalf of the canals. He organized and drafted the first bill providing for raising taxes on lands according to the value. They had been before that time taxed so much per acre without regard to their value. This change in the method of raising taxes has been continued. Out of his experience and practical sense he was enabled to furnish a system of checks for the systematic estimates and auditing of accounts on the great public works then set on foot, which was adopted, and proved a safeguard against frauds, jobbery and defalcation. He headed the subscription to the stock of the Cleveland, Columbus & Cincinnati Railroad Company with the sum of \$5,000, and was largely influential in the organization of this first railroad project for Cleveland. One of his rules from which he never deviated was not to contract a debt beyond his ability to pay within two years, without depending upon a sale of property. His opportunities of buying in the earlier days were, of course, unlimited, but he never refused to sell lands, and never placed any obstacle to their settlement and improvement by keeping large tracts out of the market. He married at Stow, Portage county, September 28, 1817, Elizabeth Gaylord, a native of Middletown, Connecticut. His son, William, was born August 10, 1818, afterwards mayor of Cleveland, and Leonard, June 27, 1820. There were other great men in Cleveland in those days, but Leonard Case, although feeble physically, was a tower of strength; broad, square and lofty in wisdom, character and financial stability. He was looked upon as the source of all wisdom on all Ohio land laws, most of which he had helped to make. There was not a man, woman or child that did not feel at liberty to approach and shake his friendly hand. A sufferer of physical pain from his boyhood days, he was never known to complain. Both of his sons were quick and diligent in their studies. William devoted himself to looking after the interests of his father. Leonard entered Yale and graduated with honors in the class of 1842. He afterwards read law, but literature was more to his liking. It was the second son that by deeds of trust to valuable real estate founded the "School of Applied Science" in Cleveland, which will ever stand as a worthy monument to both father and son. Leonard Case, Senior, died December 7, 1864, in his seventy-ninth year.

NOTE—We are indebted to Judge J. D. Cleveland, now President of the board of trustees for the School of Applied Science, for the valuable data from which this sketch is prepared.



Franklin Adams

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FRANKLIN ADAMS, Bucyrus. The name of Adams is one of the most honored as well as eminent of all names in the history of the American Colonies and the Republic of the United States. The subject of this biography is descended from a collateral branch of the same family that inspired the Continental Congress and furnished two Presidents of the United States. He was also a native of New England, born at Alsted, New Hampshire, on the 16th of November, 1813. His father was John Adams, a farmer, and his mother bore the name of another historic New England family—Morse. His ancestors, of course, were English, and they were also among the early emigrants to Massachusetts. Frank Adams attended the common schools in early boyhood and acquired such knowledge of the common branches of learning as these schools were able to impart. Later he attended, as a student, academies located at Middlebury, Wyoming county, and Henrietta, Monroe county, in the State of New York. At the threshold of manhood he came West, located in Ohio, and took up the preliminary reading and study of the law, first under the instruction of Silas Robbins, of Ashland, and later under that of James Purdy, of Mansfield. He was admitted to the Bar of the State by the Supreme Court of Ohio at the July term held at Bucyrus in 1836, and by the District Court of the United States held at Columbus in 1839. He settled permanently at Bucyrus before entering upon independent practice, and has remained there. While his practice has been general, covering the usual variety of litigated cases that make up the docket of *nisi prius* courts in a country town, he has given special attention to chancery cases and business appertaining to the administration of estates. However sedulous his application to the books may have been, however careful and exact his pleadings were prepared, however alert, shrewd and persistent at the trial table, and however able, logical and convincing his arguments before a court or jury may have been in the conduct of litigation, it may confidently be asserted that his greatest victories as a lawyer have been achieved out of court. When clients have come to him in a spirit of contention he has advised them to compromise the differences with their neighbors rather than take their complaints into court. Even in the early years of his practice it was not unusual for disputants to bring before him their respective grievances for arbitration and for him to become, in the best sense, counsel for both parties. The integrity of his mind, the amiability of his disposition, his unflinching tact, his insight into human nature, and his regard for equity as well as law, enabled him to solve hundreds of difficulties and restore the relations of friendship and confidence between men who came to him out of temper, ready to destroy each other's substance by litigation. The wisdom of his counsel so often and deeply impressed disputants that it is claimed the private records of Mr. Adams' law office, if brought to light, would disclose the amicable settlement of more cases out of court than have been tried in the courts of Crawford county during the last fifty years. However this may be, there is little doubt that scores of thrifty, upright citizens of the county have found in their own experiences abundant reason for adopting the beatitude, "Blessed is the peacemaker"—

especially if he is at the same time a lawyer. Franklin Adams is in no sense a timid or a weak man ; for such a man is never skillful in diplomacy. He is courageous, strong and honest. Moreover he is a great chancery lawyer—probably the greatest in his section of the State. His profound knowledge of the law and his keen discernment of the principles of equity united make this pre-eminence possible. His character and his reputation for honesty, so thoroughly established as to be unquestionable, have gained for him the highest standing at the Bar and the fullest confidence of the community. Naturally reserved in manner, as students usually are, and strong in himself, he does not seek to form the confidential relations with a multitude. His acquaintances are many ; his intimates are few. He is kind and benevolent and his charities are dispensed without ostentation. Mr. Adams is a Democrat in political affiliation, but has never held office except that of prosecuting attorney of Crawford county, which he filled for seven years. His residence at Bucyrus has been continuous since 1837. He has never married.

WILLIAM S. WAGNER, Tiffin. The subject of this biography is a native of Seneca county, and has never resided elsewhere. His mother's father settled in the county in 1829. Her name was Catherine Berkey. Her grandmother's father, named Carpenter, was a soldier in the Revolutionary War. His extraction through paternal ancestry is Dutch. His father came to Seneca county in 1846 and purchased a farm, on which his home was established, and which he cultivated successfully. William was born June 27, 1860, and his early education was received in the public schools. Later on he attended the normal school at Ada to qualify himself for teaching, which became his gateway to the profession of law. For the five years next ensuing he taught in the public schools of Seneca county, and employed all his leisure in reading the standard text books of the law. He spent 1885 and a portion of 1886 in Kansas, and upon returning home applied himself sedulously to the study of law in the office of George E. Schroth, of Tiffin. Upon passing the required examination he was admitted to the Bar in 1889, and immediately thereafter engaged in a general practice alone. At the opening of his practice he was fortunate in representing the Union Central Life Insurance Company in their investments in several counties. While the work was heavy and the duties exacting, the opportunity was of vital importance in the experience and knowledge of real estate law required. The study of titles and conveyances, essential to the successful management of the insurance company's business, made him a sound title lawyer, and afforded a material part of his substantial qualifications for the office which he now holds. While at all times interested in political questions, and active in support of his party in campaigns, Mr. Wagner has not been a candidate for any office until his nomination for judge of the Probate Court in 1896. He was elected to that office in November, and entered upon the four-year term of judicial service in January following. The unusual

advantages enjoyed during the six or seven years of practice were in the nature of a special training for probate business, and he is therefore able to dispatch it with unusual facility and accuracy. His majority, the largest ever given in the county for a candidate on the Democratic ticket, may be accepted as the popular estimate of his fitness for the office as well as the measure of his personal popularity. For the number of years spent in professional reading and practice he is a capable, strong and well-informed lawyer. He is active, diligent and intensely earnest in the prosecution of his practice in the management of judicial business. As a man he is honest and fair-minded; as a citizen he is progressive and public-spirited. He is not a churchman, but bears a good reputation. As evidence of his cautious investigation into the merits of a controversy, and his carefulness in the preparation of complaints and pleadings, it is proper to state that in all his experience at the Bar he has lost only two cases in which he represented the plaintiff and brought the action. He supports the Democratic party actively in all city, county, district, State and National campaigns.

JOHN H. RIDGELY, Tiffin. Honorable John H. Ridgely, late judge of the Court of Common Pleas, is one of the prominent and successful lawyers of Seneca county. He is a native of Allegheny county, Maryland, where he was born on the 16th day of August, 1847. His parents, William Ridgely and Catherine Hoyer, were also natives of Maryland. In fact, the Eastern Shore of that State was the cradle of the family in America. Five brothers settled there in the seventeenth century, coming from England, and from them all of the Ridgelys in the United States are supposed to have descended. The family records in possession of the judge are not complete as to the achievements of the several members, but historical information of a trustworthy character proves that many of them have occupied prominent positions in Maryland and some have distinguished themselves in the civil and military service of the country. Judge Ridgely's father was a merchant at Grantsville, Maryland, and the owner of a fine farm in the neighborhood, which he operated for many years, rather as a diversion, while the main drift of his pursuit was commercial. The judge was only one year old at the time of his father's death. His education was begun in the schools of Grantsville, where he remained until fifteen years of age. In 1862 he came to Tiffin, Ohio, for the purpose of completing his classical education in Heidelberg University. He entered the university and pursued his studies until June, 1863, when he was impelled by patriotic fervor and the general war excitement throughout the country to offer his services to the Nation. He enlisted in Company I, Eighty-sixth Regiment Ohio Volunteer Infantry, and went into active service under General Burnside in southern Kentucky and thence into eastern Tennessee, near Knoxville, where he remained with the regiment until March, 1864. The command then being mustered out by reason of expiration of time of enlistment, he returned to Tiffin and re-entered the university. In February next following he enlisted

again and was mustered in the 197th Regiment Ohio Volunteer Infantry, serving with the command around Washington and in his native State until the close of the war. Mustered out finally in August, 1865, he returned to his classes and pursued his studies until June, 1867, when he was graduated as a Bachelor of Arts. Going back to Maryland immediately afterwards he took up the study of law at Cumberland, in the office of George A. Pearce, then one of the prominent lawyers of the State. He passed the required examination and was admitted to the Bar in 1869. During his term in college he had formed attachments at Tiffin which led to his location there as soon as he was prepared for practice. He settled in that city in January, 1870, and continued in active practice until 1887, when he was elected judge of the Court of Common Pleas for a full term, which expired in February, 1893. He was accustomed to take all kinds of cases offered to a general practitioner in a country town, and by his assiduity and fidelity succeeded in building up a large clientage and a profitable business. Judge Ridgely has had his full share of the important litigation in the courts of Seneca county, and his successes have been commensurate with the number of his clients, and the magnitude of interests involved. At the Bar his knowledge of the law, his industry in learning all that can be known of a case, his faithfulness to clients, and courtesy to brethren commend him. For the Bench he was peculiarly well fitted. Naturally of a reserved and somewhat conservative nature he could not be led away from justice by any momentary impulses. In his decisions he recognized no friendships, no enmities. Never was litigation known to suffer at his hands by considerations of a personal nature, but on the contrary his decisions were reached and judgments rendered only after the most careful and impartial examination of the facts and the law applicable. His integrity was never questioned, and through the reputation made by him during his six years on the Bench he found awaiting him on his return to the practice a large and remunerative clientage. No member of the Bar in the State is held in higher esteem than is Judge Ridgely throughout the judicial district in which he presided. In private and social intercourse he stands well among men and naturally takes his place with the best of the community. He is a Mason, a Knight Templar, and member of De Molay Commandery of Tiffin; a member of the Grand Army of the Republic, and commander of William H. Gibson Post No. 31. He is a director of the Tiffin National Bank, and a member of the board of trustees of Heidelberg University. His wife, formerly Miss Ella E. Bacher, of Tiffin, to whom he was married in 1870, was a fellow student and a graduate of the same college as her husband, and 'twas within these classic walls that the acquaintance began, which ended in a life long union.



Yours Very Truly
David J. Nye

DAVID J. NYE, Elyria. Few men at the Ohio Bar and on the Bench deserve greater credit for the position attained than the Honorable David J. Nye, who is now one of the judges of the Court of Common Pleas for the district embracing Lorain, Medina and Summit counties. David J. Nye was born in the town of Ellicott, Chautauqua county, New York, on the 8th day of December, 1843. His father, Curtis F. Nye, was a native of Vermont, and as a young man removed to New York, settling in the central part of the State with his parents. When of age he removed to Chautauqua county, where his son David was born. Shortly after David's birth he went to Otto, Cattaraugus county, where the son received his early training. His mother, Jerusha Walkup, was also a native of Vermont, settling with her parents in New York while in her girlhood. Young Nye attended the district schools until he was eighteen years of age, devoting much time during this period to work on his father's farm. He then entered Randolph Academy for the spring and fall terms of 1862, and in the winter taught district school, returning in the spring of 1863 to Randolph for one term, and the following winter taught near the academy. In 1864, upon the invitation of a friend, he came to Cuyahoga county, and taught school for four months in Bedford township. The following spring he returned to New York, remaining until fall. He then settled in Ohio, teaching school in Boston, Summit county, for the winters of 1865 and 1866. In the spring of 1866 he entered Oberlin College in the preparatory department. Up to this period he had taught school during the winters and worked on the farm in the summer. In 1867 he entered the Freshman class, and thus his collegiate course commenced. He continued to teach school during the winters, but, however, applied himself with such diligence as to take an honorable position in the class, passing all the examinations required of him with credit, just the same as if his attendance had been regular, completing his college education in the prescribed term of four years, and received his degree of Bachelor of Arts in 1871. In July, 1883, Oberlin College conferred upon Mr. Nye the degree of Master of Arts. Not only was he able to maintain his literary standing as a student in college, after giving one-third of his time to the work of teaching, but during the Senior year he filled the position of superintendent of schools at Milan, Erie county, to the entire satisfaction of the board of Education. More than this, he found time to keep up the study of law. The bent of his mind from early boyhood had been toward the law, and his determination to qualify himself for the profession was firmly fixed even before he began to teach. Upon entering Oberlin College he bought a copy of Blackstone, which he studied assiduously during his leisure hours. There seemed to be no limit to his capacity to read and study, or to his versatility. He could manage a large public school, teach some of its classes and hold steadily to his course in classical, psychological and literary studies, at the same time mastering the fundamental principles of law as laid down by Blackstone. After he received his degree, and at the solicitation of the board of education of the Milan schools, he accepted the superintendency for another year, in the meantime pursuing the study of law.

He was admitted to the Bar at Elyria in August, 1872. From the time he entered Randolph Academy until he was admitted to the Bar he paid all his expenses by his own labor, receiving no financial aid from any other source. In October following his admission to the bar he went West, locating at Emporia, Kansas, where he engaged in the practice of his profession. Finding that a residence there would not be congenial to his taste, five months later, in March, 1873, he returned to Ohio, and entered the office of John C. Hale at Elyria (now the presiding judge of the eighth Circuit). Here he pursued the study of law under the direction of Judge Hale for one year. In 1874, being qualified and self-reliant, he opened an office at Elyria and proceeded to build up a practice. He continued in active practice for seventeen years, and during this period established himself in the confidence not only of the profession but of the public in general. He served as prosecuting attorney of Lorain county from 1882 to 1885, and was also county school examiner for a time, and a member of the board of education and member of the city council at Elyria. In 1891, when it became necessary to elect a judge of the Court of Common Pleas, several aspirants for the honor presented themselves. The attorneys of Lorain county agreed among themselves that the Republican members of the Bar should choose the candidate of the party to be supported by the attorneys of Lorain county, and that their choice should receive their unanimous support. In pursuance of this agreement Mr. Nye was chosen. He received the nomination of his party at Medina in July, 1891, and was elected in November following, and entered upon the discharge of his official duties on the 9th day of February, 1892. His record as a judge has tended to confirm the public estimate of his character and to advance his reputation in the profession. It could be truly said of him that he is an excellent lawyer and an able jurist. Always successful as a practitioner, his work upon the Bench gives promise of being equally successful, and after nearly six years it can be said that as a judge he has done what but few jurists have ever accomplished—made himself not only satisfactory to lawyers but to litigants. Being a man of good business attainments, possessed of an accurate knowledge of the law, his advice to clients, and services in their behalf, have won for him an excellent position at the Bar. As a lawyer and a judge he has achieved success and occupies an honorable position. As a judge he has taken great pains to examine the authorities submitted by counsel, and to obtain a correct and clear understanding of the law as well as the evidence in the case, being careful and conscientious because he is actuated less by pride of opinion than by a desire to reach a correct conclusion. His judicial opinions are not only plain and easily followed, but they are usually strong enough to bear review by a higher court. In one important case involving the right to have debts deducted from national bank stock for taxation, Judge Nye held that such deductions could not be made under the laws of Ohio. This decision was afterwards affirmed by the Supreme Court of the State. During his service on the Bench, but one criminal case has been reversed that he has tried. Judge Nye is now serving his second term, having been re-elected in 1896. He possesses that kind of

civic virtue which is allied to enterprise and public spirit. He is a stockholder in the Garford Manufacturing Company, the largest manufacturers of bicycle saddles in the United States, and a director and stockholder in the Savings Deposit Banking Company of Elyria. In politics Judge Nye is a Republican and thoroughly grounded in the principles of his party. Socially he is a member of the Masonic Order, being a Knight Templar and Ancient and Accepted Scottish Rite Mason. In 1880 Judge Nye married Luna, daughter of Alfred Fisher, Esq., of Cuyahoga county, Ohio, a highly respected citizen, being one of the early pioneers who settled at Independence. Mrs. Nye is a true and faithful wife, an affectionate and devoted mother. By this union there are two sons, David Fisher Nye, born October 27, 1882, and Horace Hastings Nye, born August 4, 1884.

ROLIN W. SADLER, Akron. The late Rolin W. Sadler was born at Center-ville, Michigan, July 7, 1855. He removed to Ohio in 1867 with his parents, who located at Bryan. His father, James G. Sadler, was born of English parents in Ireland. His mother was Loretta J. Sutton, of Scotch parentage. In 1871 young Sadler entered Baldwin University, where he remained one year. He then entered Mount Union College, Ohio, and was graduated in 1874. The two years following he was principal of the public schools of Reading, Michigan, and Bedford, Ohio. In 1876 he entered the law office of Edgerton & Kohler, at Akron; was admitted to the Bar in 1878, commencing practice at once in Akron. In 1879 he formed his first partnership with the Honorable J. A. Kohler, now on the Common Pleas Bench and once attorney-general of Ohio. This partnership was dissolved in 1884 upon Mr. Kohler's election to the attorney-generalship. Mr. Sadler then formed a partnership with Harvey Musser, which lasted eighteen months. He then practiced alone until 1892, when he became a member of the firm of Marvin, Sadler & Atterholt. In 1895, upon the appointment of Judge Marvin to the Circuit Bench, the style of the firm was Sadler, Atterholt & Marvin, D. L. Marvin being the junior member. This was the style of the firm at the time Mr. Sadler received the injuries caused by the running away of his horse, which resulted in his death three days later, February 22, 1897. In September, 1880, he was married to Carrie M. Comstock, of Bedford, Ohio, and by this union two children were born, a son and a daughter. Mr. Sadler was a devout member of the First Methodist Episcopal Church of Akron. He was a Republican who always took great interest in party affairs and made many speeches in Ohio and other States. He never sought or held political office. The following estimate of Mr. Sadler as man and lawyer is taken from the proceedings of the Akron Bar, at the meeting held after his death :

"Unlike most young lawyers, who are compelled to sit and wait for a clientage, and to endure what some one has called 'dignified starvation,' Mr. Sadler was offered, and accepted, an advantageous partnership with one

of his preceptors, Mr. J. A. Kohler, now one of our Common Pleas judges of this district. This partnership, together with his extensive acquaintance, formed largely as we have above indicated, gave him plenty of business from the start, and at once afforded him an opportunity to bring into play those splendid faculties with which he was by nature endowed, and which, even then, were finely developed. From the date of Mr. Sadler's admission to the Bar he was identified, not in a formal or nominal way, but actively, with much of the important litigation, civil and criminal, in this county. His life became a part of the judicial history of this part of the State. His practice was as general as his abilities were varied. He was not a specialist; he was an all around lawyer. His specialty as a lawyer was the law, and he mastered every branch of it. The lawyer of the past has been essentially the student and advocate; the lawyer of to-day is the man of business, of tact—the counsellor. Mr. Sadler combined all these qualities. He was as ready with figures as is the trained accountant or the skilled book-keeper. He seldom erred in giving advice, for he never advised except as he was thoroughly informed, and he was usually informed. He was skillful in examination, and a master in the art of cross-examination. As an advocate he had few superiors at the Bar of Ohio. The compliment he once paid an associate in the defense of a client who was technically guilty of a crime, justly applies to him. As he listened to the eloquence of his colleague he whispered to one of your committee who was seated at the Bar table beside him, 'That is art—consummate art.' He was master of the art of advocacy. He was devoted to his cause; he was always true to his client; he never betrayed him. No one could truthfully say that Mr. Sadler did not do all in his power, exert himself to the utmost, honorably to win his cause. Lord Brougham, in his celebrated defense of Queen Caroline, in speaking of the duty of the advocate to his client, said: 'To save that client by all means and expedients, and at all hazards and costs to other persons, and, among them, to himself, is his first and only duty; and in performing this duty he must not regard the alarm, the torment, the destruction which he may bring upon others.'

With the qualification "honorable" before the word "means," Mr. Sadler filled the requirements of Lord Brougham. In the trial of a cause he knew but one man, and that man was his client. He had tact. He was full of resources. If one resource proved unavailing, he resorted to another and another until the victory was his. These qualities, so essential in an advocate, and which Mr. Sadler possessed so abundantly, may be best shown by an illustration. He was trying a cause to a jury. He singled out one juror and directed his argument to him. His opponent at once objected, and the Court suggested that he should not single out any one juror, but address the entire panel. Quick as a flash he turned and said: "Well, gentlemen of the jury, if I were permitted to address Mr. Smith, I should say," and he proceeded to state what he had been addressing to the single juror. He was honorable not only to his client, but to his associates and to his opponent. He never settled a case with an opposing client without the approval and consent of opposing counsel. He was always watchful, not only of his own, but of the fees of his associates and of opposing counsel. He believed that the lawyer, like the layman, should be paid for his services, and he discounted and condemned every effort upon the part of the client to defraud his counsel. He believed that lawyers should not underestimate their own services, knowing that such esti-



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Chas Baird

mate would be adopted by their clients. Socially, Mr. Sadler was kind, genial and companionable. He appreciated enjoyment, and had a keen perception of the humorous. His varied literary tastes led him to read history, fiction, biography and poetry. His addresses and arguments were marvels of rhetoric, and were always adorned with the choicest of classic and historic gems. His efforts were always brilliant, never commonplace. Had he been spared to still further develop his splendid abilities, we believe he would have become not only one of the great lawyers of the State, but that he would have attained National fame. His tragic end illustrates the truth of the saying, "Death loves a shining mark."

CHARLES BAIRD, Akron. Charles Baird was born at Akron on the 25th of March, 1853, of Scotch parents. His father, Robert Baird, a blacksmith by trade, was born in the parish of Kineff, Kincardineshire, Scotland, and came to this country in 1843, settling at Akron. His mother, Helen Knox Moir, was born in Brechin, Forfarshire, Scotland. She came to Akron in 1846, where she was afterwards married to Robert Baird. Charles Baird's education was in the public schools of his native town. Passing through all the grades he was graduated from the high school in 1872. He afterwards took a course in Latin and Greek at Buchtel College. On June 20, 1888, the board of trustees of Buchtel conferred upon Mr. Baird the honorary degree of Master of Arts. In August, 1873, he entered the office of Upson & Ford and began the study of law, and on the 2nd of November, 1875, was admitted to practice by the Supreme Court of Ohio, at Columbus. Returning to Akron he next day formed a partnership with Honorable W. H. Upson, one of his preceptors, the firm of Upson & Ford having been dissolved and Mr. Ford having left for an eighteen months' trip through Mexico. The partnership of Upson & Baird continued until Mr. Ford's return, when the firm became Upson, Ford & Baird. In March, 1883, this partnership was dissolved upon the appointment of Judge Upson to the office of justice of the Supreme Court of Ohio. Mr. Baird continued in practice alone, Mr. Ford retiring from practice. He was at this time prosecuting attorney for Summit county, having been elected first in 1880 and re-elected in 1882 for a three years' term, serving five years. In 1891 he formed a partnership with E. F. Voris under the firm name and style of Baird & Voris. This firm was dissolved in 1895, since which time he has practiced alone. Mr. Baird has from the time of his admission to the bar been most active in the profession, enjoying a large practice of a general character. He is a lawyer of exceptional ability. Possessing a fine legal mind, with acute perceptive faculties, he is quick to grasp the principles of the law and to discern the finer distinctions, so as readily to apply the authorities to a cause. He has always been a student and his close application has enabled him to secure an enviable position in the profession. Clear in his conceptions, strong in the power of reasoning and forcible in expression, he prepares his cases so as to protect all vulnerable points and conducts the litigation with much tact.

His arguments of law before the court and of the facts before a jury are most effective. His diction and style are perfect. He is recognized by the Bar of Akron to be the leader at the present time. In recent years his practice has developed into an extensive corporation business. He assisted in the organization of the Diamond Match Company, and has since been one of the attorneys of this great corporation. In connection with Mr. O. C. Barber, of the Diamond Match Company, he organized the Portage Straw Board Company, which has its mills at New Portage and Circleville, Ohio. Subsequently he assisted in the organization of the American Straw Board Company, and was its first secretary. He was one of the incorporators of the Goodrich Hard Rubber Company, and has since been one of its directors. In 1890, with Mr. O. C. Barber, J. K. Robinson and A. T. Page, he purchased the present site of the town of Barberton, the title to the property resting in him as trustee. He assisted in the organization of the National Sewer Pipe Company (the largest company of its kind in the United States), the Sterling Company, the Creedmore Cartridge Company and the Barberton Belt Line Railroad Company. In the management of all these corporations Mr. Baird takes an active part. In 1891 he assisted in the organization of the Neracher Sprinkler Company, with its works located at Warren, Ohio. This company was afterwards merged into the Neracher & Hill Sprinkler Company, of Columbus, Georgia. In November, 1892, the Neracher & Hill Company and the Providence Steam and Gas Pipe Company, of Providence, Rhode Island, were consolidated in the General Fire Extinguisher Company, of New York, with a capital stock of \$3,000,000. Mr. Baird looked after the legal part of this work, and has since been a director of the company and its general counsel. He is the administrator of the Cummins estate and one of the executors of the will of Thomas W. Cornell, which is the largest estate ever administered upon in Summit county. In politics Mr. Baird has always been a Republican, and in the early years of his practice took an active and lively interest in party affairs; but in recent years he has been compelled to devote all his time to the practice of his profession and the management of his extensive business interests. On the 10th of February, 1882, he married Lucy Allyn Voris, a daughter of General A. C. Voris, and by this union there are five children: Alvin V., born December 3, 1882; Helen Elizabeth, born August 30, 1884; Betsey Coe, born June 11, 1886; Charles, born October 15, 1888; and Katharine, born November 19, 1890. Mrs. Baird and all the children are living.

DAVID L. MARVIN, Akron. D. L. Marvin was born at Kent, Portage county, Ohio, November 17, 1862. His father, Honorable U. L. Marvin, now on the Circuit Bench, is a native of Ohio, of English ancestry. His mother, Dorena A. Rockwell, is also a native of Ohio and of English descent. In 1866 his parents removed to Akron, where he attended the public schools until seventeen years of age, when he entered Kenyon College as a member of the

class of 1885. He left college in 1882 to accept an appointment as examiner in the United States Pension Office at Washington. He was at that time the youngest man ever appointed in the pension bureau. Two years later he resigned to take up newspaper work and was correspondent at New Orleans during the Cotton Centennial Exposition. While at Washington he attended lectures at the Law School of the Columbian University. In 1886 he was elected assistant civil engineer of the Ohio Public Works, with headquarters at Columbus and re-elected in 1888 and 1890. During his stay at Columbus he read law under the direction of Honorable J. A. Kohler, then attorney-general, and was admitted to practice in 1889. In 1891 he resigned his office, came to Akron and became the junior partner of the firm of Marvin, Atterholt, Slabaugh & Marvin. One year later the firm became Marvin, Sadler & Atterholt. Upon Judge Marvin's appointment to the Circuit Bench the firm became Sadler, Atterholt & Marvin. Since the death of Rolin W. Sadler in February, 1897, the firm has been Atterholt & Marvin. While Mr. Marvin has only been in practice a few years he has demonstrated that he possesses those qualifications which go to make a lawyer. He is naturally a bright and attentive student, quick to see the weak as well as the strong points of a case. He is exceedingly careful never to advise a client until he has first satisfied himself as to the law involved. In pleading he is especially strong. Possessing a genial disposition he makes friends readily. He is a man of high moral character. In 1888 he married Frances Saxe Fish, and they have one child, a daughter, five years old. Mr. Marvin is a member of the Psi Upsilon fraternity and of the Loyal Legion of the United States. He is a Republican in politics and for many years has been a member of the executive committee. Mr. and Mrs. Marvin are communicants of St. Paul's Protestant Church at Akron.

JOHN C. WELTY, Canton. John Cullen Welty was born in Tuscarawas county, Ohio, September 10, 1852, but has lived in Stark county nearly all of his life. Upon his father's side the family has for three generations been identified with the State of Maryland, and upon his mother's side for the same time with the State of New York. In each of these States his ancestors were prominent in public life, and unusually energetic in the promotion of whatever cause they espoused. His grandfather on the mother's side rendered notable service during the war for independence. The father of our subject was a farmer, and his own early days were spent upon the farm. He attended the public schools for some time, and afterwards entered Betheny College, West Virginia. Upon leaving there he went to Mt. Union College, in Stark county, and there completed his course. He read law with Judge Seraphin Meyer, of Canton; was admitted to the Bar in 1877, and immediately commenced the practice. About one year afterwards he was elected city solicitor, and was re-elected for three successive terms. This is a distinction never accorded to the incumbent of that office, either before or since, and the honor was the more

pronounced from the fact that it was conferred upon so young a man. It was appreciated as a token of confidence and respect, and undoubtedly stimulated its recipient to the achievement of still higher purposes; it also gave him a taste of the well earned approbation and applause of his fellow men. In 1884 he was elected prosecuting attorney of Stark county, and was re-elected in 1887. From that time to the present, although devoting himself assiduously to the practice of his profession, he has constantly grown, step by step and year by year, in the public eye and in public favor until to-day he is one of the most popular political leaders in his State. He is a man who not only makes friends, but he holds them. His evident earnestness and sincerity of character and purpose warm people to him, and compel honesty and sincerity from others. A friend of his once remarked that associating with him always recalled the lines—

“ Be noble and the nobleness that lies in other men,
Sleeping but never dead, shall rise in majesty to meet thine own.”

Mr. Welty, with his numerous occupations and engagements, is a lawyer all the time. He is devoted to his profession and loves its practice. An ardent student, he is indefatigable in his researches, and indomitable in his energy. No labor is too great, no pains too tedious for him to get at the bottom of every detail and every point of a case. At the same time, probably his greatest power is shown in conducting an important case in court; he is then in his element. With his case well prepared, his brain charged with every point involved, and with the authorities bearing upon them, he is ready for the intellectual contest. Cool, calm and deliberate, in action and speech, he is never off his guard. His never-failing courtesy to his opponent, his consummate tact in meeting every point and every emergency, not only display his ability and accomplishments, but indicate clearly and emphatically his strength and great reserve power. He is an eloquent and impressive speaker, either in court or on public occasions. His matter is always well considered, his argument clean and concise, his conclusions distinctly drawn and positively stated. He is a powerful political speaker, never wearies his audience, but holds them from beginning to end. The strong points of his subject are emphasized, and stated within the comprehension of his hearers; he never descends to subterfuge or the petty tricks of the stump orator. His impressive appearance and earnestness, and his great personal magnetism, bring his hearers very near to him, and inspire them with a confidence bordering on affection. In 1896 the Democratic district convention was divided upon the issue of the single gold standard, and the split in that convention was referred to the State convention at Columbus. Mr. Welty had charge of the interests of the silver contingent, and after a bitter struggle achieved a signal victory. The opposing element appealed to the National convention at Chicago, and notwithstanding the fact that the National committee was in full sympathy with the single standard gold element, Mr. Welty won his case and seated his delegates. His straightforward, frank and manly contention disarmed animus and rendered trickery abortive. The real points at issue involved legal questions and methods of

parliamentary procedure, and the dispute, conducted in a masterly way, was held within these limits. This was not the first time Mr. Welty had identified himself with the friends of silver. When a delegate to the National convention of 1892, he opposed the nomination of Mr. Cleveland for the Presidency solely on account of the latter's pronounced hostility to silver. In 1897 he was a strong candidate for the nomination for governor in the State convention at Columbus, and many of his friends entertained no doubt that he would have been the choice of a large majority of the delegates had he not withdrawn. He, however, declined to permit his name to be placed before the convention, as in his judgment the perfect harmony of the party was pre-eminently desirable this year, when an unusually stubborn fight was anticipated all along the line, with the almost assured success of the Democracy. He made his personal ambition subservient always to the interests of his party. Faithful to his friends upon all occasions, he can never be diverted from what he deems to be the greatest good of the greatest number. His active affiliation with the Democratic party dates back to his boyhood days. At nineteen he was stumping his home counties for the party's cause, and right along he has worked strenuously and effectively for the sound principles of Democracy. Never having sought office or reward, he has maintained a dignified and influential position. His high standard of political morals, combined with his unquestioned personal integrity and strength of character, promise eventually to place him among the Nation's leaders, as they have already made him a popular chieftain in his State. Mr. Welty is a man of substantial means; he enjoys a lovely home in Canton, where he is surrounded by all the refinements that a cultured mind could suggest or desire, and where he entertains his friends with genuine hospitality. He is broad and liberal in his views on the most important questions in life: he is big hearted and generous, deeply interested in all that tends for the welfare of his city and county. Among the local enterprises to which he has contributed his support are the Peoples' Savings Bank, of which he is the president; the Diebold Safe and Lock Company; the Crucible Steel Company, and many others. In public improvements he is always active; in matters of church and morals he has been vestryman and treasurer of the Episcopal Church for ten years, besides being an earnest and generous supporter of all educational and philanthropic work. He was married October 11, 1878, to Miss Anna T. Graham, the daughter of Charles H. Graham, a prominent capitalist of Philadelphia, Pennsylvania. An eminent jurist, who recently retired from the Bench in Ohio, contributes the following:

"My personal acquaintance with Mr. Welty has extended over many years. He is peculiarly and essentially a trial lawyer; he possesses greater tact and exercises more skill in the trial of a case than any other man I have known. He is known throughout the entire State, and is recognized by the members of the Bar as a great trial lawyer. His characteristics are kindliness, affability and courtesy. No matter what attitude the opposing counsel may assume, it is met by him with a courtesy and attention that throws his opponent completely off his guard from its unobtrusive and unexpected character. He is an excellent judge of human nature, and exercises this faculty

keenly in the selection of a jury. In examination of witnesses, and in addressing a jury, he is exceptionally strong, and is invariably on good terms with the court. He is a great worker in his office, constantly searching the authorities, and apparently possesses inexhaustible energy and resources. As a man he is honest and sincere; in his friendships, true as steel. He was never known to speak an ill word of anyone. Kindly in disposition, firm in convictions, strong of soul, a man of splendid individuality, he is a born leader of men."

ULYSSES L. MARVIN, Akron. Judge Marvin was born at Stow, Summit county, Ohio, on the 14th of March, 1839. His father, Ulysses Marvin, was a native of Connecticut and of English ancestry. The Marvins settled in Connecticut in the early part of the seventeenth century. He is a lineal descendant of that captain and deacon on whose monument, still extant, is the inscription, "This Deacon, aged sixty-eight, is freed on earth from serving (sarvin); May for a crown no longer wait Lyme's Captain, Reynold Marvin." His mother was Elizabeth Bradley, whose ancestors were also among the early English settlers of Connecticut. Young Marvin's early education was obtained in the public schools in the neighborhood of his home until at the age of thirteen he was sent to the Twinsburg Academy, where he remained for some time pursuing academic studies. He then entered the Franklin Institute, in which his scholastic education was finished. At the age of sixteen he commenced teaching in a country school, and in 1861 and 1862 was superintendent of the union schools at Kent, Portage county, Ohio. While teaching he took up the preliminary study of law under Mr. H. B. Foster, whose influence and instructions were most helpful. He was a scholarly gentleman and a thorough lawyer. According to the family traditions the Marvin men have either been clergymen or lawyers for many generations. In compliance with the wish of his father, Judge Marvin determined to enter upon the study of law in earnest and equip himself for practice with as little delay as possible. With that object in view he entered the office of Edgerton & Sanders, the former of whom was afterwards appointed governor of the Territory of Montana, and the latter elected the first United States Senator from the State of Montana. On the 2nd of May, 1860, Mr. Marvin was admitted to the Bar at Canton, Ohio, and at once commenced practice in partnership with Mr. Sanders. Shortly afterwards, upon the breaking out of the Civil War, his law preceptor went into the army, and he commenced teaching school at Kent. In August, 1862, Mr. Marvin enlisted as a private in the 115th Regiment Ohio Volunteers, and in the following year was commissioned first lieutenant in the Fifth United States Volunteers. In 1864 he was promoted to the rank of captain, and in the spring of 1865 brevetted major, his commission reading "For gallant and meritorious service." He was severely wounded before Richmond on the 29th of September, 1864. He participated in all the engagements of his division during the sieges of Richmond and Petersburg. At the close of the war in 1865 he was appointed judge advocate of the district of Newbern,



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W. L. Marvin

North Carolina, and remained in that service until the 4th of October, 1865, by which time civil government had been established. Upon being mustered out of service he at once returned to his native State and commenced the practice of law in Portage county. In the fall of 1867 he removed to Akron, where he formed a partnership with J. J. Hall, which continued until 1869, when he was elected probate judge, serving six years. He then formed a partnership with Mr. Foster and Charles R. Grant, the firm being Foster, Marvin & Grant. In 1883 he withdrew from the firm, having been appointed judge of the Court of Common Pleas. Upon retiring from the Common Pleas Bench he formed a partnership with Mr. F. M. Atterholt, which continued for nine years. They then associated with them Rolin W. Sadler and D. L. Marvin, under the name of Marvin, Sadler & Atterholt. Judge Marvin retired when he was elected to his present position as judge of the Circuit Court of Ohio for the Eighth Circuit. Judge Marvin when in practice enjoyed a large and lucrative business, having been engaged in many important cases. He is a lawyer of ability and an orator of note; has delivered a number of addresses and made many political speeches. In politics he has always been a Republican and manifested commendable interest in political affairs, taking such active part as his law practice and judicial positions would permit. Judge Marvin is the senior warden of the vestry of St. Paul's Protestant Episcopal Church at Akron. He is an active member of the Loyal Legion and the Grand Army of the Republic. On the 24th day of November, 1861, Judge Marvin married Dorena, daughter of Honorable David L. Rockwell, of Kent. Mrs. Marvin is living and there are four sons by this union: David L., a lawyer at Akron; George U., a journalist at Columbus; Charles A., a journalist at Akron; and Frank R., now a student in Williams College.

JAIRUS KENNAN, Norwalk. Jairus Kennan, who was honorably engaged in the practice of law at Norfolk for a period of thirty-seven years, died on the 16th of June, 1872. He was born at Moira, Franklin county, New York, on the 22nd of April, 1813. His father, Thomas Kennan, was a Presbyterian minister, a native of Vermont, where his family settled at a very early period. They were of Scotch-Irish descent. When the Rev. Thomas Kennan began his ministerial work he removed to New York State, where he resided until 1833, in which year he settled at Norwalk, Ohio. The grandfather of the subject of this sketch was a colonel in the American Revolution. Mr. Kennan came first to Ohio when he was fifteen years of age, joining an elder brother who resided at Norwalk. He remained two years, and during this period taught school a part of the time. At an early age he began the study of law. In 1831 he returned to New York and was for two years a student at Potsdam Academy. In 1833 his father removed to Ohio and he came with him. He then entered the office of Judge E. Lane and began regularly the study of his profession, and in 1835 was admitted to practice. At different times he was

in partnership with Gideon T. Stewart, G. R. Walker, B. F. Bryant, and at the time of his death his son, Colonel C. L. Kennan, was his partner. Mr. Kennan was one of the oldest members of the Bar at the time of his death. He commanded the confidence and respect of all who knew him or who had business with him. Every trust confided to him was always faithfully discharged. He never carried a case in court until he had first exhausted every means of settlement. For a number of years he was interested in the old Norwalk Seminary. All his life he was prominent in church work. He helped build the First Presbyterian church; also the Second, which was completed about a year before his death. No man was ever more useful in church work. He was leader of the choir for a full generation. He had been connected with Sunday school work longer than any other member of the church, and as an elder he was second to no man in usefulness and fidelity. In his family his gentle, quiet, unconscious influence and character were most marked, and at his death the heart of an intelligent, cultivated, Christian husband and father had ceased to beat. In 1837 Mr. Kennan married Charlotte E. Gardiner, a sister of John Gardiner, president of the Norwalk National Bank. She was a native of New London, Connecticut, and of English ancestry. Of the nine children born of this union eight are living, two daughters and six sons.

C. WOODRUFF OSBORNE, Painesville. C. W. Osborne was born at Mesopotamia, Trumbull county, Ohio, on the 31st day of December, 1845. His father, Rev. Hezekiah W. Osborne, was a Presbyterian minister; came to Ohio in 1836 from New York State, where he was born, and was for sixteen years pastor of the church at Mesopotamia. In 1852 he removed to Hambden, Geauga county, where he died in 1854. He was of English descent. His mother was Evelina L. Smith, of New Haven county, Connecticut, and was of the Smiths of North Haven, Connecticut. Mr. Osborne's early education was obtained in the common and select schools of Hambden. Later he entered the Kingsville Academy, Ashtabula county, and was graduated therefrom in 1866. He then became a teacher in the district and high schools of Ashtabula, Lake and Geauga counties for five years. During this time he commenced the study of law. He then entered the office of Canfield & Canfield, at Chardon, where he remained one year preparing himself for the practice of the profession he had chosen for his life work, and on the 2nd of September, 1872, he was admitted to practice. He at once opened an office at Chardon, but shortly afterwards he formed a partnership with T. W. Porter, under the firm name of Porter & Osborne. This continued about three years, when he became the partner of Honorable I. N. Hathaway, the firm name being Hathaway & Osborne. In the spring of 1889, Mr. Osborne withdrew from this firm, removed to Painesville and soon thereafter formed a partnership with W. A. Breed, the firm being Osborne & Breed. In the spring of 1897 this firm was dissolved, and the firm of

Osborne & Reynolds was formed, Judge Reynolds having retired from the Probate Bench of Lake county. Mr. Osborne has for a number of years been recognized as one of the leading lawyers in north-eastern Ohio, with a good practice in the State and Federal courts. He was prosecuting-attorney for Geauga county from 1882 to 1887. He is a member of the American Bar Association and the Ohio State Bar Association, a prominent Mason, having attained the 32nd degree, and has been chief officer in all the branches of the masonic order, including the Commandery. Politically he is a Republican and has always taken an active interest in county, State and National politics. He is an effective and ready speaker and from time to time has delivered many speeches. In the campaign of 1896 he displayed great energy, enthusiasm and determination in his efforts on the stump. His speeches were both argumentative and eloquent. Mr. Osborne in 1872 married Flora A. Maynard, of Hambden. There are five children—Merton S., Allyn L., Carlotta M., Bessie E., and Carrie E.

GEORGE E. SCHROTH, Tiffin. Mr. Schroth, prosecuting attorney for Seneca county, is a native of Ohio, of German parentage. His mother, Cathrina Biehler Schroth, was a native of the province of Alsace and his father of Wurtemberg, Germany. The senior Mr. Schroth came to the United States and settled in Cincinnati about the year 1848, after the revolution in Germany, in which General Carl Schurz and General Ashboth participated, and on account of which they became citizens of this country. George Schroth was born April 7, 1863, at Cincinnati. His education was obtained principally in the public schools of that city. After passing through the primary and grammar schools, he entered the high school, where he studied for several years, but left the city just before his class was graduated. He located at Tiffin, and soon afterwards began teaching a district school, at the age of sixteen. This was his avocation for six years, teaching during the school year and attending the short term of normal school during the summer vacations at Ada. While teaching he was also a student of law text books. In 1885 he entered the office of John K. Rohn, of Tiffin, for the purpose of completing his law course. He remained with Mr. Rohn for one year when he was examined by the Supreme Court and admitted to practice. He opened an office at Tiffin, and in the time intervening between that date and the present, has established himself firmly, and secured a lucrative practice. In 1887 he was appointed school examiner for Seneca county, holding the position for three years. In 1890 he was elected prosecuting attorney for the county, and re-elected in 1893. During his term of office as prosecutor, he has tried two capital cases and secured the first conviction in Seneca county for murder in the first degree with a death penalty. The first of these cases was that of the State vs. Marvin Kuhns, an Indiana desperado, who had murdered a fellow horse-thief, named Campeau. The evidence was wholly circumstantial and resulted in a verdict of murder in the second degree, and the accused received

a life sentence. The second case was one that attracted the attention of the entire country, and Mr. Schroth, as the representative of the State, has been eulogized by the press and people in the strongest manner for the able and impartial discharge of his official duties in the premises. The title of the case was the State vs. Leon J. Martin, indicted for murder in the first degree. The capital crime of Martin was the murder of the city marshal who had a warrant for his arrest on complaint charging the minor offense of assault with intent to kill. The feeling against the prisoner was so strong that an attempt was made to lynch him, and the official guards who were defending the jail shot and killed two members of the assaulting mob. What followed has passed into history. State troops took possession of the jail and protected the prisoner. Tiffin fortunately escaped the odium attaching to the execution of vengeance by an inflamed mob, and the slower but defensible processes of the law were faithfully executed. The prisoner was tried in an orderly manner, found guilty by the verdict of a jury, and was sentenced by the court to suffer the death penalty. The case was duly taken to the Circuit and Supreme Courts on error, and the judgment of the Common Pleas was affirmed. The case is fully reported by Judge Price in Vol. 13 on page 67 of the Circuit Court Reports of Ohio. The leaders of the mob were indicted on the charge of inciting a riot, and the cases against some of them are still pending. Mr. Schroth has been a fearless and zealous upholder of the law as he finds it. He is a Republican in politics and an active supporter of the party in every campaign. He belongs to the Knights of Pythias and is a member of the order of American Mechanics. He was married in August, 1889, to Miss Rose Wolfe, daughter of Solomon and Mahala Wolfe, prominent citizens of Seneca county, whose ancestors were among the earliest settlers of northwestern Ohio. They have one daughter.

EDWIN F. VORIS, Akron. Edwin Francis Voris was born at Akron, July 31, 1855. His father, General Alvin C. Voris, is an eminent lawyer who was at one time judge of the Court of Common Pleas of his district, and at the close of the late war was, in December, 1865, mustered out of the service as a brevet major general of volunteers, having served through the entire war with great distinction and gallantry. The Vorises (originally Van Voorhees) are of Holland stock. The first of the name came to this country in 1660 and settled in New Amsterdam. Mr. Voris's branch of the family removed thence to New Jersey, where his great-grandfather was born; the latter removed to Pennsylvania where his grandfather was born, who, in 1815, came to Ohio. The Vorises were prominent during the American Revolution. From first to last about one hundred of that name took part in the great struggle for independence. His mother was Lydia Allyn, born in Ohio of Connecticut parents, who came to the State in 1817, settling in Summit county. The Allyns are of English ancestry. The first of the family, Robert Allyn, came to America



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Edwin F. Vorse

about 1640 and settled in Massachusetts, and later removed to Groton near New London, Connecticut. Here they became prominent in the early history of the State and were most active during the American Revolution. Collaterally he is related on his mother's side to Governor Eaton, the first governor of Connecticut, and the author of the Blue Laws. E. F. Voris's early education was obtained in the public schools of Akron. He passed through the city high school and in 1872 entered Buchtell College, from which he was graduated in 1875. He at once took up the study of law, entered the Law School at Harvard, and received his degree of Bachelor of Laws in 1877. Returning to Akron he was, on the 7th day of October, 1877, admitted to practice. Entering his father's office he remained there until the following May, when he went to St. Louis, Missouri, where he engaged in practice. After remaining there one year he returned to Akron and formed a partnership with his father, the firm being Voris & Voris. The firm continued until General Voris took his seat on the Common Pleas Bench, in January, 1891, to which he had been elected in the fall of 1890. He then formed a partnership with Charles Baird, under the firm name of Baird & Voris. This lasted until June, 1895. Since that time he has practiced alone. His practice has always been of a general character. Mr. Voris has been identified with much of the important litigation in this and the neighboring counties. He has won for himself an enviable position as an able and conscientious lawyer, always diligent and painstaking in matters entrusted to him. He possesses a fine memory and has the faculty of being able to recall authorities that are applicable to the principles of law involved in a cause with great promptness and at the proper time. He has always been a student. His arguments to the court are strong and logical, and in the presentation of facts to the jury he is forcible and convincing. Mr. Voris is a man of high moral character, and with his genial and sociable nature he has a large circle of friends, both in and out of the profession. A Republican, politically, he has always taken an active general interest in political questions. In 1886 he was appointed prosecuting attorney for Summit county to fill the unexpired term of John C. Means, who died while in office. From 1888 to 1892, he served two terms as a member of the school board of Akron. In 1879 he married Miss Lizzie U. Slade, daughter of W. H. Slade, of Columbus, and has five children, all of whom are living; Lydia, born July 17, 1880; William S., born August 28, 1882; Lizzie, born August 12, 1884; Edwin F. and Marion, born October 15, 1892.

EZRA B. TAYLOR, Warren. Honorable Ezra B. Taylor was born in Nelson township, Portage county, Ohio, July 9, 1823. His parents were Elisha and Theresa (Couch) Taylor, who came from Berkshire, Massachusetts, to Ohio in 1814. Like the average pioneers they were not blessed with a superabundance of this world's goods, and the family endured all the hardships and privations suffered by the early settlers. After Ezra had attended the district

school until seventeen years of age, he was thrown very much upon his own resources. He had from youth manifested a love for books and firmly resolved upon fitting himself for a professional career. With this end in view he devoted himself closely to study and by earnest application acquired an intimate knowledge of a wide range of literature. He studied law under Honorable Robert F. Paine, then of Garrettsville, and in 1845, when twenty-two years of age, he was admitted to the Bar by the Supreme Court at Char-don. In 1847 he settled at Ravenna, where he engaged in the practice. After a year alone he entered into partnership with General Lucius V. Bierce, who was in the zenith of his career. This was a great opportunity for a young man and at once introduced him into a profitable practice and placed him in intimate relations with the foremost members of the Bar. These advantages were improved, and the characteristic ability displayed by Mr. Taylor was soon appreciated in a wider field than he had theretofore occupied. At a subsequent period he entered into partnership with John L. Ranney and still later with Judge Luther Day. He continued the practice of his profession at Ravenna until 1861, when he moved to Warren, which has since been his home. He had in 1849 been elected prosecuting attorney of Portage county. From the outbreak of the civil war Mr. Taylor had been a strong supporter of the Union, active in all movements tending to the success of that cause. In 1864 he enlisted as a private in the 171st Ohio National Guards, serving three months in the field, and upon his return home was elected colonel of his regiment. On settling at Warren, in 1862, he formed a partnership with L. C. Jones, for the practice of law, which was dissolved in 1876. In 1877, upon the death of Judge Servis, of the Court of Common Pleas, Mr. Taylor was tendered the position, but declined the offer. He was subsequently greatly surprised to learn that nearly every lawyer, both Republican and Democrat, in the sub-district composed of Mahoning, Trumbull and Portage counties, had signed a petition for his appointment, which the governor made and he accepted. He was elected in the fall of the same year to succeed himself, and subsequently re-elected, being continuously on the Bench until 1880. In this year General Garfield was elected to the United States Senate, creating a vacancy in the representation in Congress for the Nineteenth congressional district, and Judge Taylor was at once selected as the most suitable candidate. He did not participate in the preliminary canvass personally, but confined himself entirely to his duties as judge. He received the nomination over a large number of influential aspirants, and resigned his position on the Bench so that he might take an active part in the canvass. He was elected, and for thirteen years thereafter served in Congress. In 1892 he was strongly urged to again accept the nomination of his party, but for personal and family reasons he declared his purpose to withdraw from public life. In the Forty-sixth and Forty-seventh Congresses he served on the committee of claims; in the Fifty-first and Fifty-second Congresses he was on the committee of manufactures; in the Fifty-second Congress he was a member of the committee to investigate the Homestead riots, of Pennsylvania, and of the sweating system

of making clothing, cigars, etc. In the Forty-seventh Congress he was one of the regents of the Smithsonian Institution, and also a member of the judiciary committee, on which he served during the remainder of his public life, acting in the Fifty-first Congress as chairman of that committee. His work on that committee consisted largely in examining and settling questions of law constantly arising, for the purpose of avoiding bad and unconstitutional legislation. He was regarded by his fellow members as one of the ablest and most efficient of committeemen. Since his retirement from Congress Judge Taylor has given his entire attention to his law practice, having associated with him his son-in-law, George W. Upton, a lawyer of high standing and a citizen of excellent reputation. In 1849, Judge Taylor was married, in Ravenna, to Harriet M. Frazier and they had two children, a daughter and a son. The former is now the wife of Mr. Upton. She is highly educated and has gained quite a reputation in literature. Some of her productions have met with great success. Perhaps the best known of her writings is that devoted to the lives of the Presidents of the United States and their families, which was published by D. Lathrope, of Boston. She has throughout her life been devoted to her father, and while he was in Congress she was continuously in Washington with him, where she became a pronounced favorite in society, on account of her literary tastes and ability, as well as for her amiability of character. H. Taylor, the only son of the judge, is a representative lawyer of Youngstown, and bids fair to emulate his father, if not in political honors, at least in ability. In 1876 Judge Taylor was called to mourn the loss of his wife, the devoted mother of his children and the mistress of his home for so many years. Since that time he has found his greatest comfort and consolation in the society of his children. As a lawyer Judge Taylor takes a prominent place among the great trial lawyers of Ohio. Although his preference for civil business is very positive, like all lawyers practicing outside of the large cities, he has participated in many criminal trials. He has been employed in some of the most notable cases tried in northeastern Ohio. As counsel for the defense his fame extended far beyond the practice of the Bar of his section, and he has been frequently called to distant courts in important cases. He has at various times met as opponents in the forum many of the ablest and most famous lawyers of the State and has always been distinguished for his intimate acquaintance with every detail of his case, for his profound knowledge of the law and his courtesy to opposing counsel. The judge entertains a decided preference for the preparation of his own cases. He is possessed of a keen perceptive faculty that enables him to clear away all the immaterial matters and see the strong points of a case, upon which he concentrates his strength. Since the founding of the Republican party he has been one of its earnest and efficient members. He has rendered valuable services in many hard fought campaigns. He is cool and sagacious in council, a forcible and eloquent speaker. The strength and purity of his diction, his skill and force in the presentation of facts and arguments render him a most powerful advocate and lend dignity and strength, so that his addresses are alike effective upon a jury or the public.

HARVEY MUSSER, Akron. Mr. Musser was born at Millheim, Pennsylvania, August 30, 1858. His father, Phillip T. Musser, was an eminent physician, and was greatly respected by his large circle of acquaintances in the section of his native State where he resided and practiced his profession for so many years. The father was of Swiss-French ancestry. His mother, Mary J. Mumbauer, was a native of Bucks county, Pennsylvania, of German ancestors, who were among the earliest settlers of the State. Mr. Musser's early education was obtained in the public schools of his native State, and he was prepared for college at the Aaronsburg Academy and Missionary Institute. In 1875 he entered Franklin and Marshall College at Lancaster, Pennsylvania, and was graduated in June, 1879. He then taught school at Aaronsburg for one year, and it was during this time he commenced the study of law under the direction of the Honorable A. O. Furst, of Bellefonte, Pennsylvania. Mr. Furst afterwards became judge of the Court of Common Pleas. In the fall of 1880 Mr. Musser entered the law department of the University of Michigan, and received his degree of Bachelor of Laws in April, 1882. He was admitted to the Bar of Michigan, and at once went to Akron, Ohio, where he was admitted to practice. He was alone for the first two years. His first partnership was with the late R. W. Sadler, under the firm name of Sadler & Musser. They continued in business together for about one and a half years, until the expiration of the Honorable J. A. Kohler's term as attorney-general of Ohio, when the firm of Kohler & Musser was formed. This firm continued until January, 1895, when Mr. G. C. Kohler was taken into partnership. The firm then became Kohler, Musser & Kohler. In the fall of that year Mr. J. A. Kohler, having been elected Judge of the Court of Common Pleas for a term of five years, beginning in May, 1896, retired, and the firm has since continued as Musser & Kohler. Mr. Musser occupies an enviable position at the Akron Bar. He is decidedly bright, and possesses a clear, logical mind. He is persuasive in his arguments, strong in his convictions, determined and unyielding when he feels that he is right. Courage is his strong characteristic. His life has been most exemplary. Mr. Musser enjoys a large and profitable practice of a general character. He has been connected with many important cases. The case that has probably attracted the most attention was that of the State of Ohio vs. Romulus Cotel. With Mr. E. F. Voris he defended Cotel, charged with the murder of the Stone family and Ira Stillson at Tallmage, Ohio, in 1896. A conviction was secured, and the Supreme Court set aside the verdict on error. Cotel afterwards pleaded guilty to murder in the second degree. The defense was upon the ground that he was a degenerate, and the saving of this man's life was due to the skillful work of the attorneys in the case. Mr. Musser is a Republican. While he takes a general interest in all political questions, he allows nothing to interfere with his law practice. He was for several years a member of the Republican executive committee of the county. He has never held political office. He is a director and stockholder in the Citizens' National Bank of Akron. In 1886 he married



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Elizabeth Hammond Huston, of Nitany, Pennsylvania, and has had by this union four children. Three sons are living: Harvey Huston, James Coburn and Philip Sumner.

THOMAS M. SLOANE, Sandusky. Thomas Morrison Sloane, son of Judge Rush R. Sloane, was born at Sandusky, Ohio, July 28, 1854. He was prepared for college at Exeter, New Hampshire, in that ideal preparatory school—Phillips Exeter Academy—whose admirable curriculum has been at once the inspiration and the foundation of the broad and thorough scholarship of so many eminent men. Having completed the academic course he passed the examinations for admission to Harvard University in June, 1873, and entered upon the literary course there in September of the same year. He was graduated from Harvard in 1877, receiving his baccalaureate degree in course. He then studied law for one year in the office of H. & L. H. Goodwin, of Sandusky, beginning in September, 1877. With this preliminary reading he entered the Law School of the University of Michigan, at Ann Arbor, in the fall of 1878, and was graduated as a Bachelor of Laws in March, 1880. Upon receiving this degree he was admitted to practice in the courts of Michigan, and at once returned to his home in Sandusky. In May, 1880, he passed the required examination before the Supreme Court and was admitted to the Bar of the State. He began the practice of the law in partnership with E. B. King. He has continued in the practice and won a good position at the Bar. His success has been facilitated by the broad scholarship and clear understanding of the principles of the law which served as the preparation for practice in the courts. Mr. Sloane was married June 22, 1881, to Sarah Maria Carswell Cooke daughter of Pitt Cooke, a member of the Sandusky Bar. The union has been blessed with two children, Rush R. Sloane, Jr., born October 25, 1884, and Thomas Morrison Sloane, Jr., born January 14, 1893.

JESSE VICKERY, Bellevue. The subject of this biography is a native of the State and city in which he resides. He was born January 30, 1860. His parents, William and Sarah Vickery, natives of Devonshire, England, came to the United States in 1856 and settled directly in Bellevue, which was then a mere country village. He attended the district schools at first, until he was prepared to take up the academic studies. He then entered the high school at Clyde, whose course of study he pursued to completion. He was graduated from the school in 1880, after which he spent two years as a student in the Western Reserve University at Hudson. On leaving the university he engaged in teaching for a year, studying the text books and principles of law meanwhile with Mr. Thomas P. Dewey, of Clyde. In 1883 he entered the Law School of the University of Michigan. The credit which he had earned by previous reading, and the habit of close application to study which he had formed,

enabled him to complete the two years' course in one year. He passed the examination creditably, and was graduated with the class of 1884. In that great law school he enjoyed the benefit of the instruction and lectures of a very able faculty: Charles A. Kent, of Detroit, the sound lawyer and ready instructor whose points and explanations were always clear to the class—who is descended from the same stock as the renowned chancellor; the noble and venerable Alpheus Felch, who died in 1896, judge, governor and senator of the United States, who had honored himself in all these positions; the enthusiastic, popular and clear-headed Henry Wade Rogers, now president of the Northwestern University of Chicago; and last and greatest of all, that profound jurist, keen analytical and constitutional lawyer, Thomas M. Cooley. With his natural tastes and aptitudes for the law, supplemented by close and critical study, illustrated and impressed by instruction of the highest character, Mr. Vickery was well qualified for practice when he was admitted to the Bar in 1884. On April 1, 1885, he opened his law office in Bellevue, in partnership with his brother, Willis Vickery, under the style of Vickery Brothers, which continued until 1897, when his brother removed to Cleveland. The character of his practice is general, and the little city of Bellevue is admirably situated for reaching a number of larger cities with equal facility. On the very border of Huron county, it is scarcely more than a stone's throw from corners of the counties of Erie, Sandusky and Seneca. As a matter of record Mr. Vickery has practice of almost equal proportions in each of the four counties. One of the important cases with which he has been successfully connected was that of the depositing creditors of the suspended Bellevue Bank—a case in which, as counsel for the creditors, his firm collected one hundred cents on the dollar, of all claims, with five or six per cent. additional. Cases growing out of this one against the bank are now in the courts of New York on appeal. Politically Mr. Vickery is a Republican, exhibiting the activity and interest in local politics which are among the best evidences of good citizenship. He married Bettie F. Haas, of Bellevue. The issue of this marriage is two boys. He is a believer in Christianity, a member of the Congregational Church and the superintendent of the Sunday school. He has a beautiful and comfortable residence, completed in 1895, and a pleasant home. He is active, enterprising and public-spirited, esteemed for moral worth and integrity, no less than genial manners and social traits. He is a careful, conscientious, painstaking lawyer. While earnest and zealous in behalf of a client, he employs such methods only as are approved by the most reputable practitioners. With him a case which can only be won by a trick is lost.

JOHN M. KILLITS, Bryan. Mr. Killits, prosecuting attorney of Williams county, is a native of the State, born of parents whose descent was German. He was born at Lithopolis, Fairfield county, October 7, 1858. His paternal grandfather, John Killits, came to America from Hamburg in 1805 and died

in 1847. The father of our subject was born in Pennsylvania in 1836 and spent the early years of his life in that State and in Fairfield county, Ohio, later removing to Williams county, and was engaged in the dry goods trade from 1867 to 1881, at Bryan, and at farming until 1890. He then retired from active business and removed to Chicago where he now lives. The maternal ancestors of our subject emigrated from Germany the latter part of the last century and settled in Pennsylvania, where Daniel Crumley, his grandfather, was born. The latter married and settled in Fairfield county about 1825. He was by occupation a farmer and was for many years a justice of the peace and a highly respected citizen. He died in 1887 at the advanced age of eighty-five years. John M. Killits received the rudiments of his education in the public schools of Bryan. At the age of seventeen he entered the preparatory department of Oberlin College, where he remained one year, and then entered Williams College, Williamstown, Massachusetts, from which he was graduated in 1880, with the degree of A. B. Seven years later his Alma Mater conferred on him the degree of Master of Arts. After leaving college he entered the field of journalism, publishing a daily and weekly paper at Red Oak, Iowa, which he conducted for three years, when he retired from the business with a valuable and costly experience. In March, 1884, he accepted a clerical position in the war department at Washington, but was soon after offered the position of private secretary to General Hazen, chief of signal corps and weather bureau. He held the position until 1887, when he resigned in order to enter on the practice of law, for which he had prepared himself during his residence in Washington. He was graduated from the Columbian Law School in 1885 and the following year took the post-graduate course, and was admitted to the Bar of the District of Columbia in the same year. Returning to Bryan he entered upon the practice of his profession February 1, 1888. He was thoroughly equipped so far as preparatory study could fit him, and he soon built up a good practice. In 1892 he was elected prosecuting attorney of Williams county and was re-elected in 1895. In the discharge of the duties of this office he has demonstrated his fitness for the profession. The two cases that brought him most prominently before the public and established his reputation, both as a lawyer and as an advocate, were those of the State of Ohio vs. William B. Elkins and Walter Plummer, charged with the murder of Arthur Brown. Despite the fact that there had already been two convictions for this murder, Mr. Killits was not satisfied that the guilty had all been punished, and, taking up the thread of the case where his predecessor had dropped them, developed from new testimony so strong a case that the two men, heretofore unsuspected, were indicted for murder in the first degree, thirteen months after the commission of the crime. They were separately tried and convicted on evidence largely circumstantial, and both are now in the penitentiary under life sentences. These trials lasted for almost three months and Mr. Killits had as opposing counsel a strong array of legal talent, but both parties were convicted after the hardest legal contests in the history of the county. The defendants carried the cases to the Circuit Court, but the ver-

dicts of the lower court were sustained. Subsequently the Plummer case was taken to the Supreme Court of Ohio, where, again, the trial court was affirmed. In the Court of Common Pleas Mr. Killits was assisted by C. H. Masters, but in the Circuit and Supreme Courts he argued the cases alone. In political convictions Mr. Killits is a Republican and is active in local politics. He was married in Washington, D. C., June 21, 1887, to Miss Alice Nourse Steuart, a member of an old Maryland family whose ancestors came from England and Scotland in early Colonial times and whose representatives took part in both wars with England. They have two children, daughters.

CHARLES E. SCOTT, Bryan. Mr. Scott was born in Williams county, near Bryan, July 19, 1858. He is of Irish-German descent. His parents were William C. and Elizabeth (Millhouse) Scott, his father a native of Ohio and his mother of Pennsylvania. His paternal grandfather was a native of the North of Ireland and came to America in the latter part of the last century, locating first in New York State, afterwards coming to Ohio at the the beginning of the present century, and before the admission of the territory as a State into the Union. He located in Wayne county, where he passed the remainder of his days. The father of our subject came to Williams county in 1850 and engaged in the manufacture of woolens, building one of the first woolen mills in northwestern Ohio. Later he exchanged the mill for a farm near Bryan, on which he lived until his death, in 1887. Mr. Scott's maternal ancestors came to the United States in the latter part of the last century and settled at Johnstown, Pennsylvania, where his mother was born. She came, in early life, to live with an aunt in Wayne county, where she met and married his father. Charles E. was educated in the public schools of Bryan, graduating from the high school in 1876, at the age of eighteen. Having chosen the law as a profession for his life work, he at once took up its study. He entered the Law Department of the University of Michigan and pursued his legal studies there for about two years. He passed the required examination before the Supreme Court of Ohio, in October, 1880, and was admitted to practice in all of the State courts. He began the practice at Defiance in connection with a Mr. Knapp, under the firm name of Knapp & Scott, a relation which continued for three years, when it was dissolved. Mr. Scott returned to Bryan and entered into partnership with his brother, Robert A. Scott, then prosecuting attorney for Williams county. This partnership was dissolved in 1886, by the death of his brother. He then formed a partnership with Philetus Smith, and practiced in this connection until 1890, when Mr. Smith removed to Chicago. In 1891 the present firm of Scott & Schrider was formed by associating with himself John H. Schrider. Mr. Scott's political creed is Democracy, but he is in no sense a politician. His ambition is to be known as a lawyer, and he devotes his time to the interests of his clients. He was



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Charles E. Feste,

married December 25, 1888, to Miss Daisy Plank, daughter of Samuel and Mary Fasig Plank, of Wauseon, Ohio. A well-known member of the Toledo Bar says :

"I have known Mr. Scott for several years. He is honorable, reputable, active and industrious. He possesses intellectual attainments of a high order. He is a close student, a clear and logical reasoner, an eloquent advocate and a first-class all-round lawyer. Well read in all branches of the law, it is in the defense in criminal causes that he excels. He carries an old man's head on a young man's shoulders. Young in years, strong and healthy in frame, with a strong, striking face, the manner of a tragedian, the voice, style and finish of an orator, I predict for him a brilliant future."

A very capable lawyer and prominent citizen of Columbus adds the following :

"Charles E. Scott, of Bryan, Ohio, possesses the rare but sometimes dangerous quality of starting out upon the investigation and preparation of his case with the conviction (which strengthens as he proceeds) that his client is all right ; that his cause is just ; that if he does not win it is by reason of some default in the administration of justice and not because his facts are deficient or his law mischosen ; that everyone who stands between him and his client, whether witness, counsel, juror or judge, is his enemy. He comes near illustrating the lawyer who, when he enters upon the trial of his cause, raises the black flag. In spite of all this Charles E. Scott is a prime favorite with the Bench and Bar. It was once said of him in the writer's presence that his mere presence before a court or jury was a fortune to any lawyer. Always superbly attired, he is still most popular with the plainest people, many times seen in the street walking arm in arm with a shabbily dressed client, apparently unconscious of all observers and with an air which impresses all beholders that he is saying to his client, 'We'll swipe 'em off the face of the earth.' He is not only a tireless general student of the law, but in the preparation of his cases he is an omnivorous reader, discarding everything that he finds in the books which seems against him as stuff not applicable to such a case as his. In a forensic sense he possesses many of the graces and accomplishments of an orator. When he is to make a plea, as plain people call it, he may depend upon a good audience outside of the jury box, and an attentive and interested hearing within it. Blunt, brave, rugged and faithful, he will clothe a scathing attack upon witness or counsel in words so smooth and sentences so well formed that the victim will half imagine himself the recipient of an exquisite compliment. It is not unusual to see him in pleasant converse with some one whom, within the previous half hour, he was fairly cauterizing with his slick but blistering words, explaining to him how disagreeable were, many times, a lawyer's duties. One thing Mr. Scott is in a pre-eminent degree. He is always himself. He is no imitation. He is original and unique, whenever and wherever you find him. Handsome, attractive and prepossessing in his personal appearance, with a graceful and impressive presence, singly devoted to his client and his cause, he is well advanced upon a career which is destined soon to assign him to a conspicuous and commanding place in his chosen profession."

JACOB CLOYD RIDENOUR, Lima. J. C. Ridenour is a member of the firm of Ridenour & Halfhill. He is an American of Scotch-German descent. His ancestors were among the early settlers of the country and located in the State of Maryland. His great-grandfather, John Ridenour, was a soldier in the American army in the war of 1812. His grandfather emigrated from Maryland in 1820 and settled in Perry county, Ohio, removing from there ten years later and settling in Allen county. He was one of the pioneer settlers of that now populous region. His father, John Ridenour, was born and raised there; married to Dorcas Dixson, daughter of Jacob Dixson, deceased, who was a prominent farmer of Licking county and settled in Allen county, where Jacob Cloyd was born, March 9, 1860. When Jacob was two years old his father entered the army as a private soldier. He was a member of the 118th Regiment Ohio Volunteer Infantry, and served in the Eastern Department, participating in many of the hard fought battles of the Army of the Potomac, under Hooker, Burnside, Mead and Grant. When success was about to crown the Union arms he sickened and died in camp, at Washington, D. C., February 5, 1865. Our subject was raised on the farm and his early education was obtained in the district school, doing farm work in the intervals between terms, until he was eighteen. He then entered the Ada University, and passed the larger part of four years there, but did not take the regular course. A portion of the time was spent in teaching in the nearby districts, both common and graded schools. In 1883 he entered the Law Department of the Iowa State University and was graduated in June, 1885; was examined at Iowa City and admitted to the Bar, June 23, 1885, to practice in both State and Federal courts of Iowa. Returning to Ohio, he was made principal of the high school at La Rue, a position which he retained for one year. In 1886 he applied for admission to the Ohio Bar; was examined and admitted at Columbus, June 2. He located at Lima in his native county, and began practice June 21 of the same year. He formed a partnership with Gideon Ditto which was terminated by the latter's death, August 1887. September 1, of the same year, the present firm was organized by a partnership agreement with J. W. Halfhill under the firm name of Ridenour & Halfhill. Their practice includes all classes of legal business, and they have built up a large clientage both in the city and surrounding country. In late years they have undertaken some intricate and important cases, and the successful manner in which they handled them has greatly added to their reputation for legal acumen and forensic ability. In political affiliation Mr. Ridenour is a Democrat, while his partner is just as strongly Republican; though neither of them allows politics to affect business or social relations. Mr. Ridenour is now serving a three-year term as prosecuting attorney for Allen county, having been elected in 1893. He was married, November 6, 1887, to Miss Maggie H. Browsher, daughter of the late Anthony Browsher, a farmer of Allen county. Two children, Walter Emily and Chester Eugene, are the fruits of this wedlock. The family belongs to the Methodist Episcopal Church, and occupies a high social position in the community.

DANIEL E. THOMAS, Toledo. Mr. Thomas came from revolutionary stock. His ancestors earned their title to citizenship by active participation in the battles of the war for independence. They came to this country from Wales, three brothers, prior to the Declaration of Independence and settled in Connecticut. All of them entered the American army, and all passed through the war unscathed except one, who lost an eye in battle. James Thomas, the grandfather of our subject, was the son of one of these brothers. He left the family homestead and settled in Pennsylvania, where his son, Daniel M., the father of Daniel E., was born. When a young man, Daniel went to New York State, where he married Mary E. Tuttle and soon afterwards removed to Michigan, not long after that State was admitted to the Union. He followed both farming and merchandising and opened the first store in Quincy township, Branch county. It was there that Daniel E. was born, March 16, 1846. Later the family removed to Dowagiac, where he received his early education. He was graduated from the high school of that town in 1865. Shortly after this he entered Kalamazoo College, where he spent several years. Returning to Dowagiac he became superintendent of the public schools of that city. He followed teaching in Michigan for about seven years, and was reckoned one of the leading instructors in the State. He was professor of mathematics in Milwaukee Academy one year. He took up the study of law in 1869, in the office of D. Darwin Hughes, at Marshall, Michigan, and pursued legal studies in connection with his other duties until 1873, when he was admitted to the Bar by the Supreme Court of the State and immediately entered on the practice of law at Sturgis. He remained at Sturgis in practice until 1885, when he removed to Toledo, Ohio. During that interval he held the office of circuit court commissioner and prosecuting attorney of St. Joseph county, serving in each office for four years. Upon locating at Toledo he devoted his time and attention exclusively to his law practice with well merited success. He was vice president of the People's Savings, Loan and Building Company. His fraternity spirit and belief in Christianity were evidenced by membership in the Masonic order and the Episcopal Church. He was vestryman of St. Mark's from the organization of the society to the time of his death. In his political affiliations he was always a Republican, but after his removal to Ohio, he was not active in party work. He was married July 14, 1868, to Miss Agnes Van Horne, daughter of John A. Van Horne, of Marshall, Michigan, for many years county clerk of Calhoun county. To them were born three sons, all of whom have reached man's estate. One of the ablest and best known lawyers of Toledo thus briefly characterizes him: "Mr. Thomas has been a member of our Bar for a number of years; is a lawyer of high standing and a man of excellent character and reputation." Daniel E. Thomas died May 6, 1896. He was stricken with paralysis February 28. After a few weeks, brain trouble developed and he grew rapidly worse, dying after an illness of nine weeks, in the prime of life. The following is quoted from a memorial prepared and adopted by the Toledo Bar Association:

"His high ideals and unswerving integrity together with his feeling of loyalty and patriotism made him one of the very best of citizens. He was liberal to a fault, both with his time and his not over-abundant means. The needs of his unfortunate fellows and the affairs of his community, his city and his church appealed to him with a force that the majority of men know nothing of. It has been noted and commented upon that the present extraordinary good criminal record of St. Joseph county, Michigan, began with the conscientious and skillful official work of Daniel E. Thomas as its prosecuting attorney. In time his practice became one of the most desirable in his county. His Michigan Supreme Court cases form two full bound volumes, and several of his cases have made the law of the State of Michigan as to the points involved. Though in his later years he had given some special attention to patent law, yet in variety of information and all-around ability as a lawyer he had few equals. As counsel he was safe, for in addition to his legal ability he was possessed of unusual good judgment and he was conscientious at all times and in all things. To the good influences of his beautiful home-life he yielded most willingly and this made him and kept him the pure Christian gentleman that he was."

WILLIAM H. TUCKER, Toledo. The subject of this sketch was the son of Dr. John A. Tucker and Elizabeth Brush. He was born at La Porte, Lorain county, Ohio, October 6, 1849. On his father's side he is descended from English and Scotch ancestors, who were Quakers by profession and practice. Their religion caused them to favor peace, and prevented their taking up arms in war. On the other hand, his maternal ancestors were Connecticut patriots, who participated in the war of the Revolution and the later war with Great Britain. His grandfather's family, on his father's side, came to Ohio in 1816, while his mother's father settled in this State in 1832, coming to Lorain county when it was a forest, dense and almost unbroken. The boy grew up in Lorain county and learned to work, as all well bred farmers' boys are required to do. His early education was received in the public schools of Huron county, and enlarged in the Normal School at Milan; some of the accomplishments were added by a year's study in Yale College and at Cornell University; finally, his college education was completed by a four years' course in Baldwin University at Berea. All of these years afforded the preliminary mental training and the scholarship which formed the broad foundation on which to build his professional studies and his success in the law. He began reading law in the office of Haynes & Potter, in Toledo, and was admitted to the Bar in April, 1876. His first partnership association was with John T. Greer, and continued for a period of ten years. After its dissolution he continued the practice alone, and has won enviable success. Two branches of the law have claimed his attention and commanded his abilities. First, all of the laws relating to real estate; and second, all matters relating to probate business. In these he has become very proficient. His time has been given wholly to his profession. He has never held a political office, and never been a candidate for such office, and yet he has at all times taken lively interest in political affairs. He has sup-



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Wm. H. Tucker,

ported and been identified with the Republican party from his earliest recollections; has participated actively in its campaigns, and whenever matters of importance are under consideration has given to the managers the benefit of his counsel. Indeed, it may not be amiss to say that he has been prominent in planning the work of campaigns, and in executing the plans. He has for some years been a member of the Republican county committee, and is now chairman of the congressional committee. He has frequently been a delegate to State conventions, and in 1892 was a delegate to represent his congressional district in the National convention at Minneapolis. In 1884, April 10, he was married to Miss Harriet Van Gorder, a native of Warren, and a daughter of George W. Van Gorder and Martha Ewing Murdock. They have two sons and two daughters. Mr. Tucker was a friend of the late John Poag, and was peculiarly fortunate in having the friendship and confidence of that gentleman. For several years he attended to the personal concerns and the law business of Mr. Poag, who had been his room-mate for some time prior to his marriage. Their friendship was intimate and confidential to a degree seldom enjoyed between man and man, and yet Mr. Tucker was unaware of the eminently practical turn Mr. Poag's friendship for himself had taken until the latter's will was opened. On November 2, 1894, while at Fostoria engaged in litigation growing out of a contested will, he was advised by telegraph that his friend Mr. Poag had been thrown from his buggy and dangerously injured. Procuring a postponement of the case, he went immediately with kindly ministrations to the bedside of his friend, whom he found unconscious, and who died the same evening without recovering consciousness. When the will was probated it was first discovered that Mr. Poag had remembered him most generously, bequeathing to him a private library containing forty-five hundred volumes, well selected, and many letters of historic value—autograph letters of General Washington, Thomas Jefferson, James Monroe, Robert Morris and La Fayette—all conspicuous in the Revolution and the formation of the government; and of Generals Grant, Butler and others, distinguished in the late civil war; and of the historians Lamartine, Jared Sparks and George Bancroft. The library and the manuscripts are indeed one of the most valuable collections owned by any private citizen in the State. In addition to this princely gift, he received by the terms of the same will a cash bequest of twenty thousand dollars. Some of the books are rare and costly, requiring a lifetime for their procurement. In the collection are also found valuable paintings, bronzes and bric-a-brac. With the exception of membership in the board of education of the city of Toledo, of which he is president, Mr. Tucker has never held public office. He has been devoted solely to his profession, and by giving undivided attention to the law has earned reputation and achieved success of which all who know him bear willing testimony. One of the prominent members of the Bar says: "He has made a deep study of laws pertaining to real estate, and is a recognized authority upon that branch of the law. He is a general student as well as a law student, and possesses what is probably the finest and most complete general library in Toledo. He is a hard-working, industrious, care-

ful and thorough lawyer." Another attorney who has been most intimately associated with him for twenty years, and had every opportunity to acquire accurate information concerning him, says: "His opinions on titles and real estate law are regarded very highly. He commands the esteem and confidence of all. He has been executor of many important estates, and is at present acting in that capacity in estates comprising unusually large and valuable properties. He is honest, public-spirited and exceedingly careful. Taken all in all, as a man, a citizen and a lawyer, Mr. Tucker has integrity of character, uprightness in conduct, qualities which are esteemed in a friend and abilities which command attention in the profession."

BARTON SMITH, Toledo. Mr. Smith was born on his father's farm, near Joliet, Illinois, June 2, 1852. He was the son of a liberal and public-spirited farmer and stock dealer who had settled on the farm in 1835, having left his native State of Tennessee in boyhood and lived some years in Indiana. His mother was a native of the State of Indiana. He attended the University of Michigan, and upon completion of the full literary course was graduated in 1872. After spending a year in the stock business with his father he returned to Ann Arbor and took the course in the law school of the University of Michigan, receiving his degree from that department in 1875. Immediately afterwards he settled in Toledo for practice, where he first formed a partnership with Mr. Geddes, which was continued six years and dissolved in July, 1881. He then formed a partnership with William and Rufus H. Baker, under the firm name and style of Baker, Smith & Baker. This relation was maintained until the death of William Baker, the senior partner, in the fall of 1894. Since that time the business has been continued by the remaining members of the firm. Mr. Smith has made a particular and profound study of real estate law. For several years his practice was confined to that branch of the law exclusively. In the course of time, however, it was naturally enlarged so as to include a corporation practice. He has for a long time been the attorney of street railroad companies, electric light companies and other large corporations. Perhaps the most important of these engagements, in its relations to the public, is the attorneyship of the street railroad interests. Fifteen years ago (1881) the street railroads of Toledo were controlled by four or five separate and independent companies. Mr. Smith was the attorney and counsellor of the original owners of one of the several roads. After much litigation and diplomacy a consolidation of all the small companies was effected, and a single, powerful organization incorporated as the Toledo Traction Company. The advantage of this to the municipality and the people is unquestionable, and the counsellor is entitled to his full share of the credit for bringing it about. Mr. Smith was a member of the board of education for one term, a position which his interest in popular education compelled him to accept. He has never held a political office or been a candidate for one,

although he has not manifested want of interest in politics. On the contrary, he has been active in support of the Democratic party and its cardinal principles. His views on economic questions had the effect of placing him with the minority in the National convention of his party held in Chicago in July, 1896. He was a sound money delegate to that convention. A former judge of the Supreme Court of Ohio contributes the following:

“The old firm of Baker, Smith & Baker handled immense interests for corporations, including the business of the Connecticut Mutual Insurance Company. When the street railroad litigation of this city commenced Barton Smith was acting for the company. This was a kind of red letter litigation for the whole State, and the best legal talent was employed in it. Barton Smith was eminently qualified to handle these large, important and involved interests. He possesses the clearest and most analytical mind of any man of his age that I have met. He is great in the solution of intricate legal questions involving philosophical study. He has a peculiarly logical mind, and is a great student of the authorities. He is very popular and successful. He is an intense man, earnest, self-sacrificing in his duties; thorough, working out every detail and examining every authority, even at the sacrifice of his health. He is very strong before a jury, a fascinating speaker—logical, clear, pointed and impressive; always courteous toward opposing counsel. He is a man of spotless character. I know no man who is his superior in personal integrity, and none who has a higher sense of professional honor. He is of sweet disposition and admirable temper.”

Mr. Smith was married on Christmas day, 1877, to Miss May Searles, of Kendall county, Illinois. He has two children, a boy seventeen and a daughter seven years old.

THOMAS H. TRACY, Toledo. Mr. Tracy is a native of Ohio, having been born near Bowling Green, Wood county, July 13, 1859. His father, Joseph R. Tracy, was a farmer who came from Chenango county, New York, in 1836, and was one of the early settlers of Wood county. Both his father and mother were descendants of old Connecticut families and brought to their Western home those substantial virtues of industry, diligence and frugality which so extensively prevailed among the early families of New England. Their son, Thomas H., spent his early days upon the farm, commencing his education in the public schools and afterwards entering college at Mansfield, Ohio. He read law in the office of the old firm of Bissell & Gorrill, of Toledo, and was admitted to practice in June, 1883. In the following year he became a partner of the firm, which association was continued until April 1, 1892, when he withdrew for the purpose of forming the present existing law partnership, King & Tracy. Besides their extended general law practice these gentlemen are general attorneys for a number of corporations of great commercial importance, including financial organizations, railroad corporations, and many others. In politics Mr. Tracy has thoroughly identified himself with the Republican party, and were the demands upon his time by his professional duties less exacting he would gladly give to that organization more

active assistance. He is in complete harmony with its creed, traditions and history, and feels that its success is essential to the best interests of the entire country. In 1889 he was appointed by Governor Foraker one of the trustees of the natural gas department of the city of Toledo, whose duty it became to formulate plans, make all necessary arrangements and to construct the natural gas plant for that city. He takes a deep and earnest interest in church and educational matters, being a member and trustee of St. Paul's Methodist Episcopal Church. Until recently he was a member of the city board of education. In all the duties of a citizen he is active and energetic. Any movement for the advancement of the interests of Toledo, either of a commercial, political or educational character, is certain to receive his cordial support and hearty co-operation. As a lawyer and counsellor he is well versed in the authorities, diligent and faithful in acquiring a complete knowledge of the facts, and cautious and sagacious in his opinions and suggestions. In court his language is simple, his manner earnest, while his bearing displays unbounded confidence in the justice of the cause he represents. He is of distinguished presence, a good talker—logical, earnest and impressive. On January 1, 1885, he was married to Miss Laura E. Pratt, of Weston, Ohio. They have five children, three boys and two girls—Pratt, Newton, Thomas, Ethel and Laura. An old and prominent member of the Toledo Bar in speaking of him says: "He presents his cases thoroughly and supports them amply by authorities. He is bright and ready in almost any emergency, prompt and quick to meet an adversary's point, unusually resourceful, possessing a great deal of reserve power. He is a hard worker, a careful and thorough student, besides being an honorable, whole-souled gentleman."

WILLIS VICKERY, Cleveland. Willis Vickery was born at Bellevue, Huron county, Ohio, on the 26th day of November, 1857. His father, William Vickery, a farmer, was born in Devonshire, England, and in 1857 came to this country with his wife, Sarah (Perkins) Vickery, settling in Sandusky county near the town of Bellevue. Young Vickery received his early education in the country schools. Later he entered the high school at Clyde, where he was graduated in 1880, being the valedictorian of his class. He then entered the office of Everett & Fowler at Fremont, Ohio, and began the study of law. A year later he accepted a position as teacher in the grammar school at Clyde. He remained in the position one year and then taught for a year in the high school at Castalia. In the fall of 1882 he became a student in the Law School of the Boston University and received his degree of Bachelor of Laws in June, 1884. Returning to Ohio he was admitted to the Bar and in the spring of 1885 commenced the practice of law in partnership with his brother, Jesse Vickery, at Bellevue, under the firm name of Vickery Brothers. This firm continued in general practice until the spring of 1896, when it was dissolved, and Mr. Willis Vickery removed to Cleveland, where he has since prac-



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Willis Vickery

ticed alone. While in practice at Bellevue he was prominently identified with much of the important litigation in Huron and the neighboring counties. He was practically engaged during this period in all the important cases in Bellevue. He was the local counsel for the Wheeling and Lake Erie Railroad and the Sandusky and Columbus Short Line. He was the counsel in the Bellevue Bank cases, representing all the creditors. In these cases he was opposed by nearly all the leading lawyers of the Huron, Erie and Sandusky county Bars. The litigation continued over a period of ten years, from June, 1887, to 1897. In every particular he was successful, collecting all claims in full for some three hundred creditors. Mr. Vickery is a lawyer of recognized ability. He is not only a student of the law, but gives much time to general reading. He is favorably known through the country as a Shakespearean scholar and is the owner of one of the best private libraries in the State of Ohio. He is a member of the Shakespeare Society of New York, and he wrote the Introduction for Caliban, a continuation of "The Tempest," by Ernest Renan, and translated from the French by Mrs. Vickery. This work was published by the New York Shakespearean Society. He is now writing the Introduction for "A Winter's Tale," a part of the Bankside edition published by the society. In politics he is a Republican and was for some years a member of the central committee for Sandusky county. For four years he was the city solicitor for Bellevue. He was urged to accept but declined the nomination for prosecuting attorney, his practice at that time being so large he could not accept the office without great sacrifice. He is now secretary and Professor of Law in the Baldwin University Law School. He has for some time been quite prominent in the order of Knights of Pythias; is a member of the Grand Lodge of Ohio; has for five years been a member of the judiciary committee and by virtue of such membership aided in preparing the code of statutes of the order for this State. He is also a Mason. In 1884 Mr. Vickery married Anna L. Snyder of Clyde, Ohio, and of the union three children were born, a daughter and two sons. Mrs. Vickery died in March, 1894. In 1895 Mr. Vickery married Eleanor R. Grant, of Boston, a lady of intellectual ability and high literary attainments who was for some time a correspondent of the *Boston Herald*. She is very popular personally and is an active member of the leading literary societies of Cleveland.

CHARLES EDWARD SUMNER, Toledo. Sumner is a great American name in letters and statesmanship. The subject of this sketch sprang from a union of the Sumner and Janney families. The ancestors of his mother came to America with the Quaker, William Penn. He was born February 9, 1860, at Lambertville, Michigan. In boyhood he attended the common schools, and the knowledge therein acquired was supplemented by a complete course in the Agricultural College of Michigan, from which he was graduated in 1879. Following this he took a post graduate course in the Literary Department of the

University of Michigan, at Ann Arbor, in 1881-2. During the last named year he was appointed to a clerical position in the war department at Washington, in which he continued four years. While performing his clerical duties he found time for the study of law and improved it. The opportunity here offered of taking a course in the Law Department of Columbian College was heartily embraced. It could be done without neglecting the duties for which he received a salary, and the salary was convenient for the purpose of defraying expenses while securing an education in the law. He was graduated from the law school in 1886, and thereupon resigned from the war department. He located in Toledo, but before engaging in practice on his own account, spent a few months in the office of Swayne & Swayne, in order to become familiar with forms of pleading under the Ohio code. He was admitted to the Bar in 1887, and formed a partnership with Judge Collins, under the name and style of Collins & Sumner. After practicing four years, in the courts generally, he was chosen assistant prosecuting attorney, in 1891, which position he held until January 4, 1897, when he was elected to the office of prosecuting attorney of Lucas county. This is an office of large responsibility in so populous a county, and one requiring abilities of a high order to enable that official to meet on equal terms the able lawyers who are frequently employed by defendants in criminal cases. Clear and accurate knowledge of the criminal statutes and much technical knowledge are requisite even to enable a prosecuting attorney to draw an indictment that will stand against the fierce attacks of critical lawyers, who search for microscopic defects. Equal skill is demanded throughout the trial to keep within the rules and so mass the evidence as to make out the State's case. The prosecutor must be alert, keen, self-contained and strong, standing as the protector of society, the representative of the State, without show of vindictiveness toward the prisoner and without display of temper toward the prisoner's counsel. Justice rather than conviction is the end and aim. Fairness to Mr. Sumner impels the assertion that he has conducted himself as a high-minded, honorable official, having a comprehensive understanding of his responsibilities and a disposition to perform his duty. Politically he is a very active, earnest Republican. For two years he was chairman of the executive committee of Lucas county. He was married, December 17, 1884, to Miss Matie H. Ryan, of Huron, Ohio. The union has been favored by the birth of three daughters—Frances, Helen and Katherine.

HORACE G. RICHIE, Van Wert. Mr. Richie occupies an honored position as a member of the Bar of northwestern Ohio. His father, Mirabeau F. Richie, of French and Irish extraction, was born in Pennsylvania, and in his early youth became a resident of New Lisbon, Ohio. His mother, Sarah Eaton, was born in Columbiana county, Ohio. In 1839 Mr. Richie's parents removed to Van Wert county, then one of the undeveloped, forest-covered counties of the State, and proceeded to open up for themselves a home in the

almost unbroken wilderness. Horace was born August 18, 1844, on the farm upon which his parents had settled in 1839 and his early life was devoted to the hardest of hard labor, clearing the timber from the land, planting and harvesting the crops, and such other labor as was incident to his life as a farmer's son in a "new" country. His opportunities for education were only such as the common schools of that day afforded. During all his life he has been a close and earnest student of affairs, and of human nature, and an extensive reader of the leading works of history and fiction. When about thirty years of age he took up the law as his life work, and by a most diligent and systematic course of study he built the foundation for his subsequent success as a lawyer. In March, 1877, he was admitted to the Bar, and in May of the same year he entered upon the practice of his chosen profession at Van Wert, since which time he has diligently and with success practiced in all the courts of northwestern Ohio.

JOEL W. TYLER, Cleveland. Joel Walter Tyler was born in Portage county, Ohio, of parents who were among the pioneers of the State. During his boyhood opportunities for education were limited, but with Tyler's fondness for study no opportunity for learning could escape, and early in life he sought the companionship and intimacy of the best educated people within his reach. He was most fortunate in coming early under the influence and instruction of a gentleman of scholarly attainments, who possessed an unusual ability as an instructor. This was the local school teacher and, as he took a great interest in young Tyler, he shaped and guided his work not only while in attendance at his own school, but later when he entered an academy in the neighborhood. So great was the boy's application to study and so unusual his ability that at the age of ten years he was far in advance of his fellows in all the elementary branches of education. He was especially proficient in arithmetic and could easily solve problems ordinarily considered too intricate for one of his years. The friend referred to, besides being the local school teacher, was also a doctor of medicine and kept young Tyler in the office as much as possible when he was hardly more than ten years old. Then, as leisure would permit, the doctor taught him physiology, anatomy, natural philosophy and chemistry in promoting his mother's desire that he should become a physician. His mind being essentially of a logical bent he did not care for the practice of medicine, although showing ability as a student. About this time he began the study of Latin, under the instruction of a minister who took an interest in the lad. At about the age of fourteen he came into intimate association with a surveyor by profession and devoted to the study of the natural sciences. This gentleman was a "free thinker." He took the *Boston Investigator*, and his library contained such works as Voltaire's writings, Tom Paine's "Age of Reason" and Volney's "Ruins." Such an appreciation did this friend have for the boy's ability and learning that he engaged him when he was but fifteen to take charge of the district school, and gave him a home meanwhile. Here young

Tyler had an opportunity to study the sciences, particularly astronomy, and delve in skeptical literature, but oddly enough he believed in the teachings of Jesus and claimed to be a Christian to his dying day ; but never united with a church or subscribed to the creed of any denomination. After closing his school he went to Hudson, Ohio, and entered a preparatory school for Western Reserve College. Here his eyes became affected from study, and he was obliged to give up the full course. He attended the lectures on science delivered to the senior class by those eminent scholars Loomis and St. John, and for six months he hired a person to read to him in mathematics and a Latin grammar while obliged to remain in a darkened room. He began the study of law when about eighteen under Esquire Wheaden at Hudson, with whom he remained over two years, a portion of the time studying at night and teaching during the day. On the advice of Mr. Wheaden he entered the office of Tilden & Ranney, at Ravenna, with whom he remained for a year and a half, when he was admitted to practice. After travelling through Illinois, Wisconsin and Ohio Mr. Tyler finally settled at Garrettsville, Ohio, and entered upon the practice, obtaining in a short time a clientage in Trumbull and Summit counties, as well as Portage. In 1851 he removed to Kent, then known as Franklin Mills, where he declined a nomination for State Senator. He gave particular attention to the laws governing banking, manufacture and railroads. The mortgage drawn by him in 1851, to secure the payment of \$4,000,000 in bonds issued by the Franklin & Warren Railroad Company was regarded as a model, and the form has generally been adopted for such instruments. From 1853, until work was suspended in 1858, he was general solicitor of the Atlantic & Great Western Railway, and in the meantime removed to Mansfield, whence in 1858 he went to Warren and formed a partnership with Judge Matthew Birchard. Mr. Tyler was an ardent Republican and participated actively in campaigns. In 1860 he was elected judge of the Probate Court. He did not enter the army on account of his official duties, but used his influence on the stump and elsewhere to secure enlistments, promising to turn over his office to any worthy lawyer who might be wounded in the service. He was re-elected and soon afterwards resigned in favor of Mr. Youmans, a wounded soldier, whose appointment he secured from Governor Brough. In 1865 Mr. Tyler removed to Cleveland to accept the solicitorship of the Atlantic & Great Western Railway. Soon afterwards he formed a partnership with Judge Rufus P. Ranney, who resigned from the Supreme Bench, and the two were associated together as solicitors of the railway company until 1869, when the financial embarrassment of the road culminated in foreclosure and a subsequent receivership. Mr. Tyler was attorney for the receivers. About the same time he became solicitor of the Cleveland, Lorain & Wheeling Railroad, and retained the position until his death. Mr. Tyler's active Republicanism brought him into contact with the leaders of the party in Ohio, and among his personal friends were Sherman and Garfield. Mr. Tyler was a man of refined taste and literary culture. Being on intimate terms with Horace Greeley he received a



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Henry Clay White

letter of introduction from the latter to Washington Irving, and the presentation of this letter to the popular American author was an incident cherished in his memory. Notes of the interview are published in "Irving's Life and Letters." Mr. Tyler was married three times; first to Nancy V. Horr, who lived but a few years after marriage and left one son who has since died; second, to Sarah A. McKinney, by whom he had two sons, Charles W., a journalist, residing in New York, and William B., a lawyer, who practiced law with his father in Cleveland until the latter's death and then removed to New York; third, the widow of James B. Parish, and whose maiden name was Emer I. Waite and who in girlhood had been a pupil of Mr. Tyler.

HENRY C. WHITE, Cleveland. Honorable Henry Clay White is a native of Cuyahoga county, born just outside the limits of the city of Cleveland, February 23, 1839. He is of English-Welsh extraction. His parents were natives of Massachusetts and of Berkshire county in that State, where they were reared, educated and married. The ancestors of both were among the early settlers of the Connecticut colony. His mother, Sabina Williams, was of Welsh descent. In her childhood days she was a schoolmate of the Fields, who have since achieved such remarkable distinction at the Bar, on the Bench and in commercial affairs. His father, Wileman W. White, emigrated from his native town of Lenox in 1815 to seek a home in the new commonwealth of Ohio, leaving his young wife in her girlhood home at Stockbridge until he should find the conditions desired for a location in the West. The vicinity of Cleveland offered many natural advantages and inducements to industry and enterprise, and here the family tree was planted—possibly it is more accurate to say the forest tree was removed to make room for the family cabin of the settler. The next year he returned to Massachusetts for his wife and the household gods, and brought them all the way to Cleveland in a wagon. He was an architect, a builder and a millwright, whose skill and public spirit contributed much to the improvement to the frontier and the development of its resources. He built many of the mills in the neighborhood of Cleveland and acquired a large landed estate before his death. Judge White was little more than three years of age when his father died, but he was fortunately possessed by heredity of those moral and intellectual traits and tendencies which need little repression and only gentle guidance to make the strong, capable, successful man. His education received careful supervision. Arrived at the age of eleven his guardian placed him in the school at Hiram, out of which was subsequently evolved Hiram College. He remained in the school only a term and a half on his first entrance, but returned to it in 1856 and remained four years. James A. Garfield, a graduate fresh from Williams College, was then principal of the school at Hiram and stood in the relation of teacher to young White for a period of four years. It is the deliberate opinion of Judge White, founded upon personal observation and study of the man in all of

his relations, that Garfield achieved his greatest success in life as a teacher of young men and boys. The high positions afterwards won and held with popular approval never obscured that success, in the judgment and the memory of such as received his instruction at Hiram. Possibly the halo that encircled the brow of the general, the congressman and the President, lends a peculiar charm to the memory that "he was once my teacher." After completing his course at college Mr. White entered the Law Department of the University of Michigan, where he enjoyed the benefit of instruction and lectures by Judge Thomas M. Cooley, James V. Campbell and Charles I. Walker, who composed the first faculty of that school, and were among the greatest lawyers of the West, even then. He was graduated as an LL. B. in 1862 and was admitted to the Bar at Cleveland. The War of the Rebellion had so depleted the population by calling men to the front, and the interests dependant upon the issue were so completely absorbing the attention of the remnant that a young lawyer found it difficult to secure business enough for a livelihood. There was, indeed, comparatively little practice for the old lawyers. So young White took employment in the office of the county clerk, where he was enabled to earn a salary and at the same time keep in touch with the courts and lawyers. He held the position for ten years and then resumed the general practice of the law, which was continued without interruption until 1887. During all this time he formed but one business and professional partnership and that was with William Robison, now deceased. He won and maintained a high standing at the Bar, by his acquirements and accomplishments in the law, and his regard for the character and dignity of the profession. One writer says two things are essential to the highest success of a lawyer: "To possess himself entirely of the facts in his case, and believe in its justice." This is rather a narrow view of the qualifications of a lawyer, and certainly Judge White in active practice surpassed the requirements of the two essentials. He was much more than a "case lawyer." He did not cram and prepare in a limited sense to gain a single case, but pondered deeply the principles and informed himself in the philosophy of the law. He studied his cases and believed in them, but in a much higher and broader sense he sought to understand the cold law and believed in abstract justice. In 1887 he was elected as candidate of the Republican party to the office of Probate Judge of Cuyahoga county. He succeeded Daniel R. Tilden, a relative of the great Samuel J. Tilden, of New York, who had held the office thirty-three years. Judge White has already been re-elected four times and his administration of the trust is so clean and able that the tenure for him as long as that of his predecessor would be extremely desirable. Fortunate indeed are the widows and orphans and devisees whose rights are determined and whose estates are administered by such a judge—pure-minded, righteous and upright. His guide is the law; his rule of action, duty. The work of the office frequently involves prodigious industry and unwearied diligence to ascertain under the law the exact rights of claimants whose interests are conflicting. It sometimes requires patient investigation and honesty of judgment to determine the distribution

of an estate in a reasonable, benignant spirit, according to equity, when the letter of the law is not adapted to all the complications. Judge White is endowed with the capacity for work, the intellectual integrity which impels an observance of the demands of justice and a conscientious sympathy which insists upon a consideration of pending rights, in all their breadth and depth, before a final decision. The measure of popular esteem entertained for him is indicated by his election five successive terms to the office of Probate Judge. He has never been a candidate for any other office. His professional standing is excellent. He is professor of Testamentary Law in the F. T. Backus Law School of the Western Reserve University, and occupies the chair of Medical Jurisprudence in the Cleveland Medical College, whose graduating class last year numbered fifty-five. Judge White is a gentleman of cordial manners and pleasing address; in social intercourse the incarnation of urbanity. He is a popular orator, whose addresses are not only entertaining but effective in the advocacy of any matter of public concern. He is a member of the Masonic Order, in which he has advanced to the thirty-second degree. He has membership in the Union, Colonial and Masonic Clubs, but his social qualities find their best expression in his family and home. He was married in 1866 to Sabina M. Capron and has four children, two sons and two daughters.

HORACE FOOTE, Cleveland. Judge Horace Foote, deceased, was born March 21, 1799, in the southern part of Hartford county, Connecticut. His father, Roger Foote, was a farmer, who was also born in Connecticut. The family was of English extraction. He was the fourth son in a family of ten children. His early life was spent upon his father's farm, and during the winters he was sent to the country district schools. His brilliancy and acuteness of mind were manifested at an early age, and at fifteen he had gone beyond his classmates and was sent to an academy at Cheshire, Connecticut. Here he began the study of the classics, and in the course of a year or so he had made such progress that he felt he could stand an examination for admission to the freshman class in Yale College. One of his classmates, Seth Paddock, afterwards a Bishop of the Episcopal Church, was also anxious to obtain a college education; so the two quietly left the academy without the knowledge of any one and walked all the way to New Haven. Having no acquaintance with any person connected with the college, and seeking no outside influence, they asked for an examination. The request was granted; both were admitted upon disclosing their identity, and upon the merit of their scholarship alone they were entered, not in the freshman, but in the third term of the sophomore year. This was in 1818. Young Foote remained at Yale two years, when he was graduated with high standing. Among his classmates and intimate friends were President Woolsey, of Yale; Solomon Stoddard, of Vermont, and Leonard Bacon and Alexander Twining, of New Haven, who became celebrated in the professional and literary world, and were at one

time professors in Yale. President Woolsey was the honor man and the valedictorian of the class; Horace Foote and Solomon Stoddard having orations. There was a standing premium (The Bishop Berkley premium of \$50) every year offered for the student who passed the best examination in three Greek and three Latin books. Alexander Twining, Mr. Williston and Horace Foote competed for this prize. Mr. Foote made no especial preparation for this examination, but as he was exceedingly fond of language studies it was his custom to read further in the classics than the course required. The lessons assigned did not occupy all of his time or give him sufficient work. He was therefore able to win the prize, although he had never looked into certain of the books used. During his term in college he also studied French. After graduating he immediately began the study of law in the office of Seth P. Staples, a distinguished lawyer in New Haven, and two years later was admitted to practice. He then went to Geneseo, New York, to open an office, but his father dying about this time he went back home to look after the farm and family, which needed his care, and he remained two or three years, raising, as he once said, "potatoes, beans and a little of everything and not much of anything." During this time he carted his produce to market more than ten miles over very bad roads. After leaving the farm he went to Chatbam, where one of his brothers was engaged in merchandising, thence he went to Cincinnati to look after some business for the merchant brother. Soon afterwards his health failed, and for several years he was an invalid. Whilst sick he visited Cleveland, where a brother-in-law resided, then went back to Connecticut to consult a physician. He really thought he was going to die, but with skillful treatment and rest he completely recovered. Before leaving Connecticut for Cincinnati, in the year 1834, he was married to Mary Elenor Hurd, of Middle Haddam, that State. He was regarded by the professors of Yale as a brilliant and thorough scholar, and after graduating was invited by them to deliver an oration the following year. In 1836 he removed to Cleveland, residing in what was then called the City of Ohio, now the West Side, where he opened an office and began the practice of law. He soon came to be regarded as a strong lawyer, although not a great jury advocate. He knew and remembered about all there was in the text-books and was an excellent pleader. The law business of this Bar then was not large, but he had to contend with Sherlock J. Andrews, who was the greatest jury advocate in this section of the State; Henry B. Payne, Bolton, Kelly, Bishop, Backus and others. He was judicial in his methods, and strong and clear in his ideas and enunciation. He of all of them was regarded as the best lawyer, although perhaps not the most brilliant. In 1854 he was elected judge of the Common Pleas Court, which position he held for twenty years consecutively. During this period he was looked upon by the people as an oracle of the law and when he had carefully considered a case and given his opinion it was regarded as settled as the Supreme Court would decide. His decisions were rarely if ever reversed by that tribunal. When too old to longer endure the fatigue and labors of the Bench, he retired from active life, leaving a judicial record of which any man

might be justly proud. Judge Foote was a man who never adopted any of the arts of the demagogue to win public applause. When he was elevated to the Bench it was because of his especial fitness for the position. If he was more distinguished than his brethren at the Bar or on the Bench, it was because of his superior learning, legal acumen and ability. He was a peculiarly modest man and so despised ostentation and brag in others that he seemed to make an effort to hide his own light "under a bushel" lest some one might think he was arrogant and assuming. It was said of him that he was cold and wanting in the pleasant courtesies of life; yet it may be truly said of him as it was of another, "Lofty and sour to those who loved him not, yet to those friends who sought him, sweet as summer." Judge Foote was a man who was terribly in earnest. He acted as though he thought time was given him only to use, and every minute of it. When he made up his mind, he was sure he was right, and he expressed his opinion with so much clearness, precision and force that even those who differed with him on the trial felt that perhaps he was right—and he generally was. He was a most uncompromising enemy of fraud, and sometimes he thought he discovered it when it did not exist. His manner was dignified even to austerity. He had so high an opinion of the dignity of the judicial position that to the younger members of the Bar he seemed sometimes severe and unapproachable, but he had no pride of opinion. His mind was so acute that he could catch the force of an argument as soon as the point was stated, and whatever may have been his expressed convictions, if the argument showed him wrong, he would change instantly and acknowledge his error. It was not necessary for the young practitioner to come before him with his arms full of authorities. He knew the law without the aid of books, and he always gave the younger or weak the benefit of his knowledge when he decided the case or charged the jury, which often amounted to the about the same thing. Judge Foote died November 16, 1884, in his 86th year. He had married Mary E. Hurd in early manhood, and to them were born six children, three sons and three daughters. One of the latter died in 1881. His widow survived him about six years. All of the sons and two of the daughters are still living.

NOTE.— Upon the death of Judge Foote a memorial meeting of the Bench and Bar of Cleveland was held. It was attended by all the representative men in the profession. Judge Rufus P. Ranney presided and delivered a very able address. He was followed by addresses from a number of the leading men of the Bar.

We are indebted to W. C. McFarland, a member of the Cleveland Bar, for much valuable information as to the early life of Judge Foote. He was a close and intimate friend of the judge in his declining years.

JAMES M. HOYT, Cleveland. The late James M. Hoyt, LL. D., was born at Utica, New York, on the 16th of January, 1815. Both his father and mother were of Puritan descent. Great care was exercised in the preliminary education and training of their son. At an early age he entered Hamilton College, New York, and was graduated in 1834. Upon leaving college he commenced the study of law in his native city, but in a short time removed to Cleveland, and in 1836 read law in the office of Andrews & Foot. On his admission to practice in the following year, the law firm of Andrews, Foot & Hoyt was formed, and continued for twelve years thereafter, when Judge Sherlock J. Andrews withdrew from the firm, upon being appointed Judge of the Superior Court of Cuyahoga county. The firm of Foot & Hoyt continued until 1853, when Mr. Hoyt withdrew from the practice of law and turned his whole attention to the purchase of real estate in Cleveland and vicinity. Shortly after arriving in Cleveland he became connected with the First Baptist Church Sunday School, and was for twenty years its superintendent. He then resigned and became teacher of a Congregational Bible class. Although never ordained a minister, for twenty years he preached at intervals, having been licensed for that purpose by the church with which he was connected. In 1854 he was chosen president of the Ohio Baptist State Convention and was annually for twenty years thereafter elected to that position. He presided over anniversary meetings of the church in nearly every city of the State. He was chosen president of the American Baptist Home Mission Society, the National organization of missions in North America, and was elected at each subsequent annual meeting until 1870, when he retired. For eight years he was president of the Cleveland Bible Society, an auxiliary to the American Bible Society. In 1877 he was elected a member of the State board of equalization, a body charged with important duties, having the same constituency as the State Senate, and which for high character, talent and practical business sense was probably never surpassed in the history of the State. In 1873 he was appointed to represent the interests of the people on the Cleveland board of public improvements. In 1870, Dennison University at Granville, Ohio, conferred upon Mr. Hoyt the degree of Learned Doctor of Laws, and the distinction was well merited. In 1836 he married Mary Ella Beebe, in the city of New York, and six children were born of this union. Of these, the eldest son, Wayland Hoyt, is an eminent Baptist divine; Colegate Hoyt is a leading business man residing in the city of New York, and James H. Hoyt is one of the representative lawyers at the Cleveland Bar. Mr. Hoyt died at his home in Cleveland on Sunday, April 21, 1895, having by his upright life, abounding in good works, builded for himself a monument more enduring than brass or marble. Among those not engaged in scientific pursuits very few had kept more steadily abreast of the progress of modern science. He had an affluence of language and a rich imagination, with the poetic sense, but his imagination was always kept in subordination to the reason and the judgment. The career of Mr. Hoyt will fill a wide space in the history of Cleveland. He came when our city had not given its fullest



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earnest of the bright future which has been realized in its present population and wealth, its culture and its institutions, public and private, which meet the eye on every side and are a source of so much pleasure to us all. He has furnished an example for the imitation of the young men in our midst who would do something for common welfare in their day of generation. His influence, we are sure, will long be felt, and will be an inspiration to those who would strive to accomplish the greatest good in the place where their lot has been cast.

"Peace to the just man's memory, let it grow greener with the years and blossom through the flight of ages.

Let the light
Stream on his deeds of love that shunned the sight
Of all but heaven ; and in the book of fame
The glorious record of his virtues write,
And hold it up to men, and bid them claim
A palm like his, and catch from him the hallowed flame."

He was well acquainted with the doctrines of the different schools of theology, but while cherishing his own religious creed without the shadow of a turning, he was ever prompt to raise the healing voice of charity for the opinions of others. His mind was most acute and discriminating, and by a natural selection he seemed to take special pleasure in the investigation of metaphysical truth. But in analyzing and tracing the operations of the intellectual faculties he never fell into mysticism, but always moved in the cloudless region of large, sound, common sense. He was a fond lover of nature ; he constantly interrogated her and acquired a rare knowledge of her trees and flowers. At a meeting of the Bar of Cuyahoga county, on the occasion of the death of the Honorable James M. Hoyt, by unanimous election Judge Franklin J. Dickman was chosen chairman, and by his permission we quote the following from his address :

"One of the most striking proofs of the respect and consideration in which the legal profession is held in this country may be found in the fact that when distinguished citizens have reached the highest political honors they deem it no disparagement to return again to the ranks and become instruments for advancing the cause of justice, for vindicating the rights and redressing the wrongs of their fellow men. And not only is the profession itself, from its aims and objects, ennobling in its nature, but it derives lustre in turn from those who follow it. If we seek exhibitions of the rarest intellectual powers, we find them at the Bar and on the Bench. The history of jurisprudence is illumined by the intellectual triumphs of Erskine and Pinkney and Choate at the Bar, and of Hardwicke and Mansfield and Marshall and Kent and Story on the Bench. But after all, in estimating the world's best men and greatest, it is moral power, moral attributes that weigh most in the scale. It has been well said by Charles Sumner that the true grandeur of humanity is in moral elevation, sustained, enlightened and decorated by the intellect of man. It was the combination of moral with intellectual traits that gave Mr. Hoyt his prominence and influence among those who knew him. It was in the sunshine of the heart that the fruits of his intellect were ripened. Few men were moved by a stronger benevolence and soul ; few men more thoroughly permeated by a love of his fellow men. He lived as ever in his great Taskmaster's

eye, and in obedience to the divine command to love your neighbor as yourself. His affections expanded to embrace the near and the remote, and he was always ready to deal out with a generous hand that he might ameliorate the condition of sufferers around him, and even of the distant heathen who sat in the region of darkness. The sentiment of the Roman dramatist, 'Humani nihil alienum,' would have been a fitting motto for his shield. It was from this broad humanity, this disposition to promote human happiness, that in his purchase of large tracts of real estate in and around Cleveland—and its division into lots and sale for homesteads, he rarely foreclosed a contract or mortgage. Hence it was that the poor and honest laboring man who was struggling to secure a homestead was quick to purchase of him, for he knew that if misfortune overtook him he would be treated with forbearance and indulgence. Thus it was, too, that while his philanthropic kindness dispelled anxiety and distress from many a household, he had the satisfaction of witnessing his own contribution to our city's rapid growth, for it has been estimated that not far from a thousand acres of city suburban property were owned by him, wholly or jointly with others, and subdivided into lots and sold for settlement, and that more than a hundred streets were opened and named by him. But I would not on this occasion omit to notice some of the mental characteristics of Mr. Hoyt. As a lawyer he was well versed in the doctrines of equity. He was thoroughly grounded in real estate law, and unravelled with more than ordinary ease the complicated difficulties in which titles to real property are often involved. He read history extensively, and studied its lessons in the spirit of philosophy. He was fond of belles-lettres, and had a delicate appreciation of the best productions in English poetry and prose. He was a constant and habitual reader, not only of speculative and philosophical but of practical works."

HENRY McKINNEY, Cleveland. Henry McKinney, ex-judge of the Court of Common Pleas for Cuyahoga county, was born at Canfield, Ohio, October 9, 1828; was educated at the Western Reserve Seminary at Farmington, Trumbull county, and at Twinsburg Institute, of Twinsburg, Ohio. He read law two years with Judge J. W. Tyler and one year with Judge S. W. McClure; was admitted to the Bar in 1850 and immediately formed a partnership with his former preceptor, Judge McClure, under the firm name of McClure & McKinney. This lasted fifteen years. He then formed a partnership with N. D. Tibbals, of Akron, which continued eight years. In the spring of 1873 Mr. McKinney came to Cleveland and practiced law in connection with Judge Tyler and A. C. Casky. While residing at Akron he was prosecuting attorney from 1856 to 1858, and was State Senator for Summit and Portage counties. In 1880 he was elected Judge of the Court of Common Pleas; served one term of five years, and three years on his second term, when he resigned and became a member of the law firm of Ranney & McKinney. This partnership was continued several years. Judge McKinney retired from active practice when in the full vigor of his manhood. He had no superiors and few equals in Ohio, possessing a thorough knowledge of legal principles, a clear, logical mind and a wonderful power of discrimination. He was one of the most powerful trial lawyers at the Cleveland Bar, presenting his points

with a force and clearness both effective and remarkable. In jury trials he was peculiarly strong and forcible. His oratorical powers were of the highest order. Judge McKinney is to-day considered by the Cleveland Bar to have been one of the ablest jurists ever upon the Bench in Cuyahoga county. His rulings and decisions were clear, logical and remarkably sound.

CARLOS M. STONE, Cleveland. C. M. Stone, judge of the Court of Common Pleas, was born in Strongsville, Cuyahoga county, March 27, 1846. His father, Montraville Stone, who came to Ohio from Vermont in 1830, was a farmer, and for the last twenty years of his life was a banker. His mother, Mary A. Smith Stone, was born in Ohio. Both father and mother were of English ancestry, his father's family coming from Somersetshire and settling in New England in the early part of the seventeenth century. Judge Stone's early education was received in the district and select schools of the county. He entered Oberlin College in 1864, but left in his junior year, in 1867, and entered the office of the district attorney, A. T. Brinsmade, at the same time becoming a student of the Ohio State Union Law College (now out of existence) taking his degree in 1869. Young Stone, when quite a boy, determined upon law for his profession, and entered college with that object in view. The influence which probably had more to do with his decision than any one thing was his early association with his cousin, Judge Walter F. Stone, of Sandusky, late judge of the Supreme Court of Ohio. The latter was a frequent visitor at his father's home, and as a child he formed a great admiration for him and determined to follow in his footsteps. After taking his degree of LL. B. he immediately entered into practice and shortly afterwards became a partner of his preceptor, under the firm name of Brinsmade & Stone. This partnership continued until 1875. He then formed the partnership of Stone & Hessemuller, from which he retired upon assuming the duties of prosecuting attorney. He was elected prosecuting attorney at the October election in 1879, taking the office on January 1, 1880. While serving his first term the law was changed, making the term of office three years instead of two. He was re-elected in 1882, retiring from office in 1885. He then resumed the practice of law under the firm name of Stone, Hessemuller & Gallup, but in the fall of the same year he was elected Judge of the Court of Common Pleas, taking his seat on the Bench in November, 1885. He has twice been re-elected and is now serving his third term since coming to the Bench. Many important cases have come before him. A brief mention of two of these cases is not out of place here.

Stevenson Burke vs. The Cleveland, Columbus, Cincinnati & Indianapolis Railway Company. In March, 1889, The Cleveland, Columbus, Cincinnati & Indianapolis Railway Company, The Indianapolis & St. Louis Railway Company, and the Cincinnati, Indianapolis, St. Louis & Chicago Railway Company agreed upon a contract of consolidation, by the terms of which the

companies named were to become one company, under the name of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, with a capital stock of \$30,500,000 (These roads are now popularly known as the "Big Four.") The action was brought to enjoin the carrying out of the agreement of consolidation. The judge held that these roads were not in their general features "parallel and competing," but formed a continuous line, and that under the laws of Ohio the proposed consolidation was fully authorized, and thereupon refused the injunction. The case attracted general attention both East and West because of the magnitude of the interests involved. The decision stood as the law of the case and was not questioned in the higher courts.

One of the pioneer cases in Ohio involving the use of electricity in operating street cars came before Judge Stone in 1889, the title of the case being *F. W. Pelton and others vs. The East Cleveland Street Railway Company*. This company owned and operated a street railway along Euclid Avenue and other streets in the city of Cleveland, its cars being drawn by horses. In July, 1888, the city council authorized the company to use electricity as its motive power, by means of the overhead wire system. The plaintiff's, who were abutting property owners upon the streets through which the company operated its lines, sought by their action to prevent the proposed change, claiming it could not lawfully be done under the original grant made to the company. The court decided that "In the operating of a street railroad the change in the motive power from horses to that of electricity applied by means of the overhead wire system, does not constitute a new and additional burden upon the street, entitling abutting lot-owners to compensation before such change is made; or to an injunction to prevent such change." This view of the law in the case was sustained by the Supreme Court of the State. More than usual local interest was felt in the case, not only because of the novel questions involved, but because the eminent jurist, Honorable Rufus P. Ranney, appeared in person to argue the case and had for his opponent Judge Stevenson Burke, the distinguished railroad attorney and operator.

Judge Stone was too young a man when elected to the Bench to have developed into a great lawyer; he, however, was a most successful practitioner. He had the reputation of preparing his cases with great care, and conducted the trial of them with marked ability. As a man he possesses a high sense of honor, an unexceptional character, always faithful in the discharge of a trust. As a jurist he can better be judged, for the best years of his life thus far have been spent upon the Bench. Always courteous, careful and conservative, he exercises the greatest patience in the trial of cases brought before him. Industrious and painstaking in his investigations, and conscientious in his conclusions, as in all his work, his decisions usually bear the test of criticism and review. One of the strongest testimonials of his character as a man and his standing as a judge is the fact that he is now serving his third term. Different from the average lawyer and judge he is a man of wide reading in general literature and is well posted on both historical and sociological questions. He has always been a Republican, taking as active an interest in political matters as he could, consistent with his position as judge. In 1884, he was chairman of the county central committee that conducted the Blaine campaign in the county. He is a member of the Cleveland Chamber of Commerce. He was a member of the Peace Congress which met in Washington in 1895, and on the 17th of March, 1896, delivered a very able address before the



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James H. Hoyle.

Cleveland Chamber of Commerce, upon "A Permanent International Court of Arbitration." This address has been most highly spoken of. In 1872 Judge Stone married Jeanette Follett, and by this union has two children, both girls.

JAMES H. HOYT, Cleveland. Mr. Hoyt was born in the city of Cleveland on the 10th day of November, 1852. His father, James M. Hoyt, was a native of the State of New York, but resided in Cleveland from 1836 until his death in 1895. He was a lawyer in the front rank of his profession, of liberal culture, prominent in business affairs, public-spirited, and most active and influential in promoting the cause of religion and benevolent enterprise. The mother of James H. Hoyt was Mary Ella Beebe, a native of New York City. She was a woman richly endowed with graces and accomplishments—with traits of mind and character that rendered her singularly attractive to all who knew her. James H. Hoyt received his early education in the public schools of Cleveland and the preparatory department of the Western Reserve University, at that time located at Hudson, Ohio, but now at Cleveland. He afterward entered Brown University, and graduated in 1874 with the honor of class orator. His career at the University was one of marked success, and gave an earnest of his future distinction. Among the professors and resident graduates in Providence, Rhode Island, he is still remembered, after a lapse of over twenty years, for the native vigor of intellect and scholastic attainments that distinguished him during his undergraduate course at that institution. Returning to Cleveland he commenced the study of law in the office of Spalding & Dickman, where he remained one year, when he entered the Harvard Law School, taking the degree of LL. B. in 1877. In the study of his profession he was indefatigable, and laid up a store of elementary principles by which he has been enabled to solve with great readiness difficult and complicated questions as they have arisen in an extensive practice, and in solving which he could get but feeble light from adjudicated cases. The writer of this once heard Judge Spalding remark, that while in his office he on one occasion heard Mr. Hoyt analyze a legal proposition in a way that reminded him of the old-school lawyers in Connecticut, who had been trained in the Litchfield Law School under Chief Justice Swift, to seek for the philosophy of the law, and to go up to the fountains rather than follow the rivulets. Upon being admitted to the Bar he at once commenced the practice of his profession with Henry S. Sherman, under the name of Sherman & Hoyt. Afterward the partnership of Willey, Sherman & Hoyt was formed, which continued in successful practice for several years. Later Mr. Willey retired, and the firm of Sherman & Hoyt continued until 1884, when it was succeeded by that of Sherman, Hoyt & Dustin. In 1893, upon the death of Mr. Sherman, the firm became Hoyt & Dustin for one year, when Mr. Kelley became a member of the present partnership of Hoyt, Dustin & Kelley. This firm is one of the best known in Ohio, and its practice is largely in the line of corporation, commercial, admi-

rality and patent causes. Mr. Hoyt is well known as a lawyer of eminent ability. He is a cautious, safe and wise counsellor, and is vigilant and sagacious in watching the important interests intrusted to his charge. He is frequently engaged in cases before the Supreme Court of Ohio, and always commands the respect and close attention of that tribunal. As an orator he has few if any superiors in his State. While he never fails to address himself to the reason and judgment, he has the faculty of imparting interest to the driest details. With ample stores of knowledge, derived from reading and observation, with an affluence of speech, written and spoken, with a fund of ready wit and humor, with an imagination and fancy curbed with a skillful hand, with a clearness and precision of statement, he could not fail to be in general requisition when popular assemblies are to be addressed. In politics Mr. Hoyt is a Republican, always taking an active interest in political affairs, and known throughout the State as having rendered yeoman service for his party. While he has never held office, he has been a candidate for the nomination of governor of his State. The city of Cleveland and the county of Cuyahoga, in which he resides, were enthusiastic for his nomination as governor; and there was a general feeling throughout northern Ohio that if nominated and elected he would be the right man in the right place. He is an especial favorite of his party, and as long as merit and superior fitness and qualifications are appreciated by a discriminating public, he will continue to grow in popular favor. Mr. Hoyt is now the general counsel for the Cleveland Chamber of Commerce, and as a member and director of that body, has always taken a most active and prominent part in its work of advancing the interests of the city of Cleveland. In 1885 he married Miss Jessie T. Taintor, and has two children, a daughter and a son.

ROBERT F. PAINE, Cleveland. The parents of Robert Findley Paine were from Connecticut, whence they removed to Madison county, New York, where Robert was born the 10th day of May, 1810. He was the second son of Solomon J. and Lucretia Bierce Paine, who were both natives of Cornwall, Connecticut. His father was the son of Rufus Paine, and his mother the daughter of William Bierce, both of whom served in the American army during the entire War of the Revolution, and both lived to be over eighty years of age. On his father's side his ancestors could be traced to Robert Treat Paine, one of the signers of the Declaration of Independence. This would indicate that on his paternal side he is of English descent and that the Paine family came to Connecticut from Massachusetts. In March, 1850, Solomon Paine came West with his family and settled at Nelson, Portage county, Ohio, where they continued to live until his death in 1828. Young Robert had but little opportunity to obtain an education. He daily walked a mile and a half to the log school house, and after he was nine years of age was obliged to work on the farm during all but the winter months. At the time of his father's

death young Paine was eighteen, but even then manifested the pluck and steadfastness which were the prominent features of his character and the great sources of his success in after years. He took entire charge of his father's family, and continued to provide for them until the children were able to take care of themselves. He was obliged to educate himself. This hard fact he appreciated, made the best of circumstances and did get a good education. Judge Paine began the study of law in 1837, while a clerk in a crossroads store. With but few books and without an instructor he devoted his leisure hours to hard study. Not having had a single previous recitation, he was examined at the September term of the Supreme Court, then sitting at Ravenna, in 1839, and was admitted to practice. He got his legal education as he got everything else in early life, by unremitting toil; by his own exertion alone. The following quotation from J. H. Kennedy's History of Cleveland gives an idea of his condition: "Judge Robert F. Paine, of Cleveland, once used these words in describing the home accommodations of his boyhood in Portage county: 'We possessed few dishes of any kind. There was a man in Trumbull county who made them of wood, and his advent into a neighborhood would cause more excitement than the establishment of another national bank in Cleveland to-day. We ate at what we called trenchers, a modern affair in shape something like a plate. Our neighbors were in the same condition as we, using modern plates, modern bowls, modern everything, and it was years before we could secure dishes harder than wood, and when we did they were made of yellow clay.'"

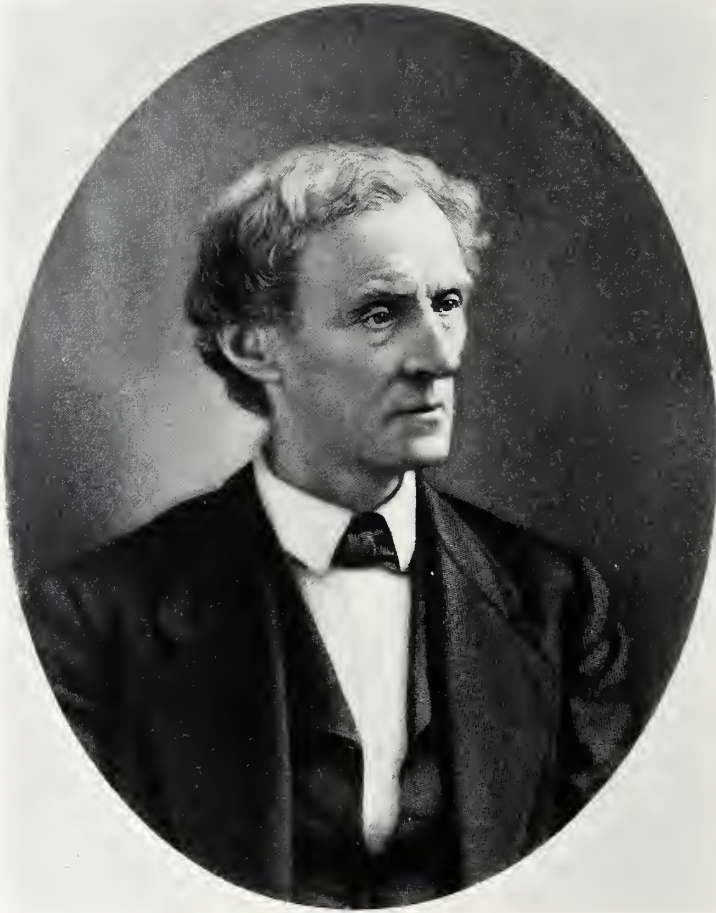
As soon as Judge Paine was admitted to the Bar he opened an office at Garrettsville and entered upon what for those days was a good practice. In 1844 he was elected to the State legislature, being obliged to go to Columbus, a distance of one hundred and forty miles, on horseback. Judge Paine took an important position among his colleagues and succeeded through much opposition in securing the passage of the first law in Ohio granting to women the rights of property. So satisfactorily did he represent his constituents that he was offered a renomination, but declined the honor. He was, however, elected prosecuting attorney for Portage county, which led to his removing to Ravenna. While practicing law at Garrettsville Judge Paine became the intimate friend of the Honorable Daniel R. Tilden, who, like himself, was deeply interested in the slavery question. These two young men enthusiastically working among their neighbors created a strong and aggressive feeling in favor of the freedom of the negro in the United States, and together they organized the first anti-slavery organization in Portage county, at Garrettsville. On the expiration of his term as prosecuting attorney Judge Paine removed to Cleveland and opened an office in May, 1848. After a short time he became the clerk of the Court of Common Pleas, a position he retained until 1852, when he returned to the practice of the law. About this time Honorable Daniel R. Tilden removed from Portage county to Cleveland, and formed a partnership with his friend, under the firm name of Tilden & Paine. The partnership was dissolved when Mr. Tilden was elected probate judge of Cuyahoga county, in 1854. In 1855 Judge Paine entered into partnership with James Wade, which

continued until the former's election to the Common Pleas Bench of Cuyahoga county. In 1861 Judge Paine was appointed United States district attorney for the Northern District of Ohio, assuming the duties of the office in May of that year, with Mr. Wade as his assistant. When his term expired he resumed his law practice with Mr. Wade. He was elected to the Common Pleas Bench in 1866, where he remained as his own successor until 1874, when he again entered upon the practice. While on the Bench Judge Paine was called upon to try one of the most noted cases ever tried in the State, made celebrated through his remarkable instructions to the jury. The case was the State vs. Dr. Jay T. Galentine. The defendant was indicted for murder in the first degree, with counts for murder in the second degree and manslaughter. The defense was emotional or temporary insanity, which was ineffectually set up, the verdict being guilty of manslaughter. In his charge to the jury the judge dealt in a remarkably original as well as remarkably clear and able manner with this class of defenses. The press throughout the country commented editorially upon the charge, strongly endorsing its good sense, its sound reasoning and its unmistakable clearness. Not the least interesting incident in connection with the case was a letter written by James A. Garfield, then in Congress, to Judge Paine congratulating him, little dreaming that ten years later he as President would fall by the hand of an assassin presenting the same plea for his act. Following is the letter :

"WASHINGTON, D. C., February 6, 1871.

"*Dear Judge* :—Allow me to congratulate you on your splendid charge to the jury at the close of the Galentine case. The whole country owes you a debt of gratitude for brushing away the wicked absurdity which has lately been palmed off on the country as law, on the subject of insanity. If the thing had gone much farther all that a man would need to secure immunity from murder would be to tear his hair and rave a little and then kill his man. I hope you will print your opinion in pamphlet form and send it broadcast to all the judges in the land. Very truly yours, J. A. GARFIELD."

The portions of the charge which created the most comment are as follows: "If you should find that the defendant was overwhelmed by any real or supposed provocation which for the moment deprived him of all power to control his action and incapable of reasoning or deliberation, then inquire, did the defendant by indulging passion, by meditating revenge and cultivating malice toward the deceased for real or fancied provocation, voluntarily produce the inability to reason, reflect, deliberate and control his will, or was he rendered powerless in these respects by the circumstances surrounding him, and for which he was not responsible?" The judge continuing says he does suppose one with malice in his heart to commit crime can voluntarily become intoxicated to a point beyond self-control and then commit crime with impunity. "Nor do I suppose one * * * * can make fancied or real provocation, however great the occasion, for voluntarily entertaining malice and revenge, and thus cultivating a disposition to execute vengeance, until his passions have become too forceful to be controlled by his will and judgment and



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in this condition take the life of the subject of his hatred with impunity. To my mind to hold thus would be to offer a premium on depravity and encourage the cultivation of the worst elements of our nature."

The broadest form of the proposition laid down by Judge Paine is this, that a person cannot for any cause voluntarily through mental or other process permit himself to lose his self-control and commit acts for which at the moment he is irresponsible and not be held responsible in law. In politics—a subject which always demanded of Judge Paine the greatest interest—he was originally a Whig, becoming an ardent supporter of the Free-soil party in 1848. He was a Republican almost from the inception of the party, and was one of the delegates to the National convention which nominated Abraham Lincoln for President in 1860. In the Grant-Greeley Campaign of 1872 he supported the latter for the Presidency and afterwards his affiliations were with the Democratic party. Judge Paine was a man of forceful character, incapable of half-way measures. He was strong, energetic, full of resources and never awed into hesitancy by any obstacle. Nothing was too much for him to undertake, and nothing he undertook was a failure. With a very intense nature he was at times severe, but never unjust. As a judge he was fearless and impartial, with a mind masterful in seizing upon the point presented and quick in decision. As a lawyer in court he was aggressive and strong and lost his cases, when he did lose, as a good soldier may lose a battle. As a counsellor he was wise and cautious. He was a ready speaker, a good debater, logical in argument and blessed with a keen sense of humor with which he could easily "point a moral or adorn a tale." He was first married to Miranda Hazen, of Garrettsville, in August, 1846, by whom he had one child, a daughter, Miranda H., who is now Mrs. Oliver P. Demuth, of Cleveland. Mrs. Paine died in August, 1848, and in 1853 he married Mrs. Cornelia H. Harris (nee Gridley) of Cazenovia, New York, who bore him three sons: Robert F., Jr., now editor-in-chief of the *Cleveland Press*; James W., of Cleveland, and Findley W., of Syracuse, New York. Judge Paine's second wife died in 1870, and in May, 1872, he married Delia Humphrey, of Summit county, Ohio, who still survives. He died September 23, 1888, after a lingering and painful illness.

SAMUEL WILLIAMSON, Cleveland. The late Samuel Williamson was born March 16, 1808, and died January 14, 1884. He was a native of Crawford county, Pennsylvania, and the eldest of the seven children born to Samuel Williamson and Isabella McQueen. The family settled in Cleveland in 1810. Samuel Williamson, Senior, possessed in marked degree the qualities essential to success in a new and progressive settlement. He was well informed, honest, energetic, far-seeing and public-spirited. While prospering in his private business he contributed materially to the upbuilding of the city and conservation of the community interests. He served long and faithfully as a justice of the peace, and was also an associate judge of the Court of Common Pleas.

He lived until 1834, and was carrying on the business of tanner and currier in partnership with his brother during the whole period of his residence in Cleveland. Samuel Williamson, the principal subject of this biography, coming to the city when a child of two years, attended the public schools from the time he was old enough to be enrolled until he was eighteen years of age and prepared for college. He then entered Jefferson College in Washington county, Pennsylvania, in which he pursued the regular course, and was graduated in 1829. He had already decided upon the profession of law, and immediately after graduating began a course of reading in the office of Judge Andrews, than whom no student of law ever had a more competent, sympathetic instructor. He remained with Judge Andrews two years and became deeply learned in the philosophy and principles of the law. He was admitted to the Bar in 1832, and formed a partnership for practice with Leonard Case, which was maintained for two years. In 1834 he was elected auditor of Cuyahoga county, and held the position eight years. The auditor's office is a fine school in which to acquire knowledge of land titles in the county, if the incumbent is inclined to improve his opportunity. Mr. Williamson devoted himself to the study, and thus laid the foundation for that thoroughness as a real estate and title lawyer which characterized all of his subsequent practice at the Bar. Upon the expiration of his service as auditor he resumed the practice in partnership with A. G. Riddle, and the association was practically unbroken for a period of nearly forty years. In 1872 Mr. Williamson gave up his court practice, and indeed all of the arduous labors of professional life, and devoted his personal attention to the executive management of the Society for Savings, whose president he had been for several years. In this position of semi-retirement the last twelve years of his life were passed pleasantly. During the period of his active connection with the Bar he gave much time to the duties of public office. He served at various times as member of the city council, of the board of education, of the State board of equalization, of which he was president. He also represented Cuyahoga county in the State legislature in 1850, and in 1862 was elected to the State senate. In every official station his clear and comprehensive understanding of the duties required, and his conscientious performance of every duty gave to his public service an inestimable value. His intellectual originality was such that he could not be content to leave things as he found them, if it were possible to make them better. As a member of the board of education, for example, his activity was conspicuous in securing improvement in methods, whose operation brought better results. His hearty sympathy with popular education by the State gave to his service in that behalf the character of a labor of love. His heart was in the work. He was so earnest and so sincere in any undertaking that he would decline employment in a case which did not permit the exercise of earnestness and sincerity. His conscience was so sensitive as to protest against success in a bad cause. From the memorial meetings of the Bar and other organizations the materials for this biography are procured. It is only necessary to summarize the statements and report the consensus of opinion

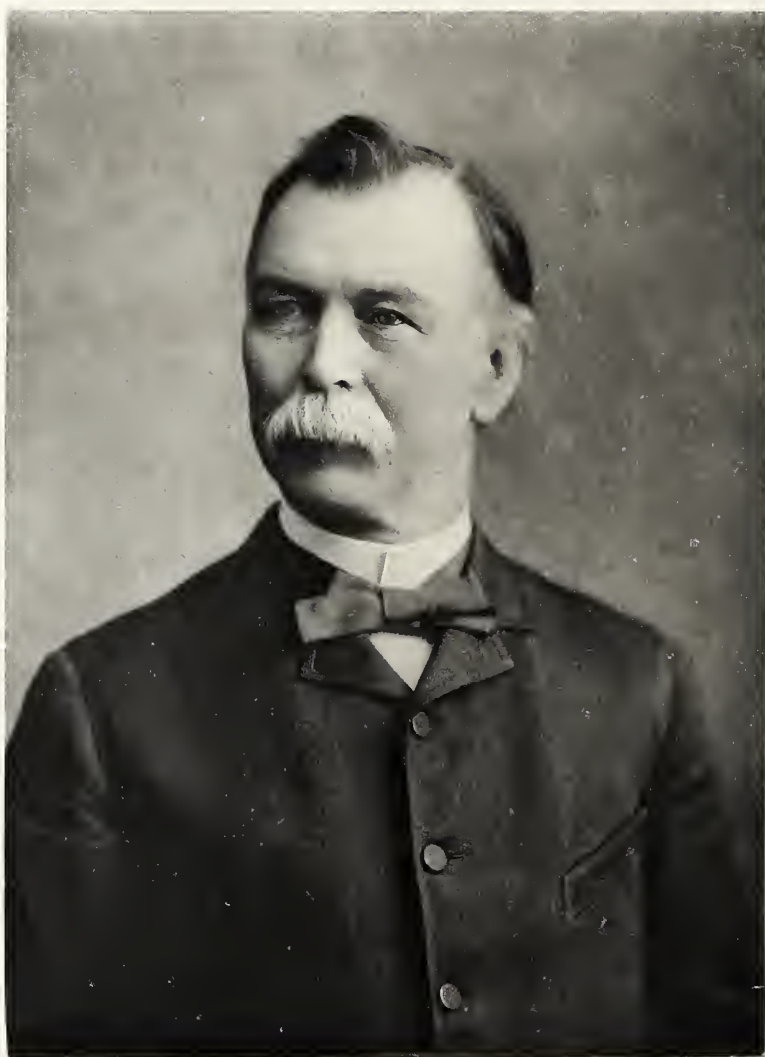
expressed by his brethren. Mr. Williamson was never accredited with the shrewdness which some lawyers cultivate—the disposition to take advantage of a lapse or an error in order to win a case. He sought rather to discover the merit in a controversy and press his contention upon the ground of deserving success. He was regarded as reliable authority on mooted questions of law, because he never expressed his opinion without first acquiring a complete understanding of the subject and deliberately solving the question in his own mind; and then his mental integrity compelled an honest answer. He was so reliable, and his reputation so well established, as frequently to save a court the trouble of investigation. His old preceptor, Judge Andrews, while on the Bench, was accustomed to say, “If Mr. Williamson has looked this matter up and arrived at a conclusion his simple word on the question is good enough for me; he never makes a mistake.” The preponderance of opinion among members of the Cleveland Bar assigned to Mr. Williamson first place as counsellor, or an authority, upon all questions involving title to real estate. He was so learned in these matters that his counsel or the expression of an opinion probably avoided much litigation. Judge Ranney said of him:

“He came to the Bar with no extraordinary or adventitious circumstances to give *eclat* or introduce him prominently before the public. He possessed none of those rare elements of genius and oratory which are sometimes used to obtain temporary reputations, at least, and elevate men to high positions. His strength consisted in the fact that from the beginning to the end he brought to the discharge of duty labor, integrity, industry and fidelity to all the great trusts that had been imposed upon him through a long life. Whether as a practicing lawyer, a county officer, a legislator, or, finally, during the last years of his life, presiding over one of the largest institutions of our city, with immense responsibilities to the poor and those of small means, he has travelled through life without leaving a suspicion upon any man’s mind that in the discharge of any of the duties which these places imposed, he has not been faithful and honest to the utmost. * * * No man’s example can be more safely presented to the young to follow than that of Mr. Williamson.”

He came to the Bar in the early history of Cleveland and brought with him large and varied ability, habits of sobriety, of patient, continuous industry, and a character of sterling integrity which were at once recognized, and which identified him with the promoters of the growth and welfare of the community. He was a good advocate, a cautious, wise and safe counsellor, and was especially learned in equity and in all law respecting real property. In the practice of the law he was laborious, painstaking, sympathetic and generous. In his long and useful career he merited and possessed the respect and confidence of the entire Bar. This represents the judgment of his professional associates. It may be added that the respect, esteem and reverence for the man increased as the relations with him became more intimate. The frequency with which other lawyers called upon him for an opinion attested his preeminence as a counsellor, and the acceptance of his opinion as conclusive attested their confidence in his wisdom and the soundness of his judgment. If he was not a brilliant advocate he was certainly a successful one. The candor and sincerity of his statement, supported by a personality

that stood for all that is true, honorable, upright and of good report, carried more weight with a jury than mere rhetoric or impassioned oratory. For more than twenty years he was president of the society of the First Presbyterian Church and yet never made a public profession of Christianity. What is of greater consequence, he lived it. He was an exemplar in his daily life, performing his duties as he came to them, whether they appertained to the large affairs and great trusts he assumed or the little things encountered every day. He was just as faithful and just as conscientious in the latter as in the former. Simple and unobtrusive, kindly and benevolent, just and upright, his life, covering three-quarters of the century, was irreproachable and the memory of it is sweet to his friends. The harmony between his inclinations and purposes was perfect and lasting. His moral and intellectual faculties were attuned to the same pitch, so that for the accomplishment of an undertaking all of his powers could be united. Young lawyers loved him not more for his helpfulness than for the spirit with which he met their inquiries and rendered the assistance. His tact and patience, his evident interest in their advancement, gave him a hold upon their affections. Though naturally reserved in manner his intercourse with all was marked by a genuine urbanity. The record of his deeds and the analysis of his character may not decorate the pages of history with as much coloring as the achievements of a hero possessed of more showy genius, but they strengthen the generations that come after, as they bettered the generation in which he lived. Mr. Williamson was a man honored, trusted and beloved in all conditions and circumstances; but in his home he was animated by the gentle, tender spirit that adorns and glorifies the holy relations of husband and father. He married Mary E. Tisdale of Utica, New York, in 1843, and reared a family of three sons: Judge Samuel E. Williamson, of Cleveland; George T. Williamson, of Chicago, and Rev. James D. Williamson, of Cleveland.

SAMUEL E. WILLIAMSON, Cleveland. Samuel E. Williamson is a native of Cleveland, where he was born April 19, 1844. His parents were Samuel Williamson and Mary E. Tisdale. His father, a native of Pennsylvania, had settled in Cleveland in 1810 as a boy, when the State was young and the beautiful city of the lake was no more than a village. He became a lawyer, a man of affairs and influence in the community. The early life of Samuel E. Williamson was therefore highly favored, and he made excellent use of his opportunities. He attended the public schools until sixteen, when he was prepared to enter the Western Reserve College. Upon completion of the course in that institution he was graduated in 1864 at the age of twenty. In his father's office he took up the study of law, which was pursued diligently for the next two years, until he had obtained a good knowledge of the elemental principles and became familiar with the great commentaries and other standard text-books. In 1866 he went to Cambridge and spent a year in the Law School of Harvard



J. E. Herrick

University. In the meantime, when at home in vacation, he passed the examination before the Supreme Court and was admitted to the Bar of Ohio. In February of the year 1867 he was admitted to partnership with his father, and at once began the practice of law. Some years later he became associated in partnership with T. K. Bolton and sometime later with J. E. Ingersoll. The last association was maintained until 1880, when Mr. Williamson was elected Judge of the Court of Common Pleas. He was inducted into the office and served on the Bench about two years, when he resigned in order to accept the more lucrative position of general solicitor of the New York, Chicago & St. Louis Railroad Company. He preferred the active practice of the law, especially that branch of it which relates to railroad corporations. His record as judge was clean and honorable; his superior qualifications for the duties were acknowledged, and his opinions embodied his views of the law obtained by conscientious investigation. He might have remained on the Bench for a long period with satisfaction to the Bar and the public, but the salary of the judge was not equal to the salary of the counsellor, and the duties of the latter are compatible with a larger degree of personal freedom and independence of action. Judge Williamson has held the position of general counsel of the railroad mentioned (commonly called the Nickel Plate) for the last fifteen years. He is a lawyer of high standing and a man of most exemplary habits, holding the esteem of his brethren at the Bar and the unqualified respect of the community. He is a patron of education and at the same time is wedded to his profession. In 1897 Western Reserve University conferred upon him the honorary degree of LL.D. He is one of the trustees of that University and of Adelbert College, and takes a deep interest in the management of both institutions. He is president of the University School and has membership in the American Bar Association as well as the Ohio State Bar Association. Judge Williamson has been married twice, the first time, in 1878, to Mary P. Marsh, who died in 1881, leaving two daughters; the second time, in 1884, to Harriet W. Brown, who is the mother of his son and is still living.

G. E. HERRICK, Cleveland. Gamaliel E. Herrick was born January 17, 1828, at Wellington, Lorain county, Ohio. His father, Ephraim Herrick, who was a farmer, and his mother, Chloe Louise Willcox, were both from Berkshire county, Massachusetts, and their English ancestors were among the early settlers of Massachusetts. On the paternal side he is of Revolutionary stock. His grandfather, Francis Herrick, was a colonel in the war of 1812. His early education was received in the district and select high schools, afterwards entering Oberlin College, but sickness prevented his completing his college course. When he was convalescent he received a very flattering offer to engage in mercantile business, devoting two years to it. Having a natural inclination to law, and a father who believed in allowing his children to choose for themselves their own occupation or profession, he entered the

office of Honorable Sherlock J. Andrews, who at that time was conceded to be the greatest advocate in northern Ohio, and occupied first rank in the State as a lawyer. He was admitted to the Bar at Mount Vernon in 1852, and at once entered into active practice. Opening an office by himself, he continued alone for three or four years. Business had accumulated so rapidly that he was forced to take a partner. He thereupon formed a partnership with General Merrill Barlow, which continued until politics took General Barlow out of practice. In 1873, Mr. Herrick formed a partnership with his brother, Colonel J. F. Herrick, which continued for fifteen years. He has since practiced alone. His practice has been varied, but always of a most absorbing nature. In the earlier years at the Bar he had a large amount of litigation, but in later years it has been largely corporation law, and the management of large estates. There are three estates that have been under his management for an average of more than twenty-five years, and they are still in his hands. He has much to do with litigation affecting property rights. Some years ago he was counsel in two cases of great importance which established the principle that one owning real property in a city has a valid property interest in both light and air from the street. He was president of the Cleveland Linseed Oil Company for about fifteen years, and is now chairman of the board. For a number of years he was attorney for the East Cleveland Railroad Company. In politics, Mr. Herrick has always been a Republican, but never an office-seeker or office-holder. He is a man of great executive ability, and his advice and aid are much sought where large interests are involved. He has been an active and devout member of the Presbyterian Church, and is now president of the board of trustees of the First Presbyterian Church. He was one of the original members of the Union and Country Clubs. In 1860 Mr. Herrick married the daughter of his preceptor, Miss Ursula M. Andrews, and by the Union five children were born, three of whom are living, one son and two daughters. His son, Frank R., is a rising young lawyer, devoted to his profession. He is a member of the firm of Herrick & Hopkins. Mrs. Herrick is dead.

JAMES M. WILLIAMS, Cleveland. James M. Williams was born in Plainfield, Coshocton county, Ohio, July 22, 1850. His father, Heslip Williams, a leading physician of Coshocton county, was a native of Ohio, and a member of the House of Representatives of this State in 1845 and 1846, and of the Senate in 1854 and 1855. His grandfather, Levi Williams, was a native of Staunton, Virginia. He came to this State with General Wayne's army at the time of the establishment of the Greenville treaty line. He was a captain in the service, and on their march West the army encamped where the public square of Cleveland is now located. His great-grandfather, David Williams, and his great-great-grandfather, Richard Williams, were both in the Colonial Army during the War of the Revolution, and were in General Washington's army at the surrender of Yorktown. His ancestors on the paternal side came originally

from England, settling in Virginia. His mother, Charlotte Miskimen, was also a native of Ohio. Her father, James Miskimen, came to Ohio in 1803 from Washington county, Maryland. He was of Scotch-Irish ancestry. Mr. Williams's education was obtained in the common schools of his native county, at the Newcomerstown, Ohio, high school, and at Allegheny College, Meadville, Pennsylvania, where he graduated in the class of 1873. He studied law in the office of Judge J. C. Pomerene, of Coshocton, and was admitted to the Bar in September, 1875. He practiced law at Coshocton until 1888, when he removed to Cleveland. He enlisted as a private soldier in company C, Third United States Cavalry during the late civil war, when he was only thirteen years old, and served in campaigns in Tennessee, Mississippi and Arkansas. In 1883 Mr. Williams edited the Revised Statutes of Ohio, in three volumes, which was afterwards adopted by the general assembly and furnished to the judiciary and all the other State and county officers. In 1885 he was elected a member of the House of Representatives of this State, as a Democrat, serving for two years. While in the legislature he was a member of the committees on judiciary, revision of the laws, and public works, and was chairman of the special committee which prepared a code of parliamentary law for the Ohio House of Representatives. He drafted the statute passed in 1885 providing for the organization and jurisdiction of the Circuit Courts of the State, and the constitutional amendment adopted in the same year changing the time of holding the State elections from October to November; also the proposed constitutional amendments submitted in 1889, providing for biennial elections and for single legislative districts. He is the author of the laws, passed in 1887, defining the rights and liabilities of husband and wife; how a married person may sue and be sued in courts of record; and exempting every honorably discharged soldier from the two days' labor then required on the public highways. Mr. Williams is well known as a practitioner before the Supreme Court of Ohio. He has appeared frequently before that court in causes involving important constitutional questions. His arguments have always been characterized by clear and forcible statement, searching analysis, and great argumentative power. In the notable case of Cope vs. Foraker, governor, the issue was the adoption or rejection of the biennial elections' amendment to the Constitution; and the plaintiff applied for a writ of mandamus to compel the governor to declare by proclamation the amendment adopted, because it received a majority of the votes cast directly on the question, though not a majority of all the votes cast at the election. The utmost interest was felt in the decision, and few abler and more ingenious arguments were ever made before the Supreme Court than that of Mr. Williams in behalf of the adoption of the amendment. Equal praise was elicited by his argument before that court in the application for a mandamus in State vs. Sawyer, sheriff of Cuyahoga county. The points made by Mr. Williams, in a masterly argument, were sustained, and the unanimous decision of the court was, that proclamation must issue, and four Common Pleas judges be elected for Cuyahoga county, with the other county officials, in November, 1889, instead of 1890. Mr. Williams was married in 1879 to Miss Mary S. Brockway, of Chautauqua county, New York, and by this union they have one child, a daughter.

EDWIN J. BLANDIN, Cleveland. Honorable E. J. Blandin, ex-judge of the Court of Common Pleas, was born in Hornby township, Steuben county, New York, on the 13th day of July, 1843. He is of English-German extraction. His father, John Blandin, a farmer, settled in New York State, coming from Vermont, where his family were among the early English settlers. His mother, Parthenia Fisher, was of German descent. Her family settled in the State of New York, where Edwin was born and lived until the age of six years. The family then came West and settled in Wisconsin, where he received his early education in the common schools. Afterwards he entered the preparatory department of Hillsdale College, Michigan, where he remained one term. In the fall of 1866 he came to Cleveland, Ohio, and took a course in book-keeping in the Commercial College. He kept books for an oil refinery and held the position until 1870, when he became a stockholder in the company. During this time he took up the study of law, devoting himself to reading nights and holidays. He remained in the concern five years, when he sold his stock, and in the fall of 1875 he was admitted to the Bar. He at once commenced the practice of law in partnership with George A. Groot, under the firm name of Groot & Blandin. This partnership continued three years, but for the last two years of the time he was assistant prosecuting attorney under Judge J. C. Hutchins, who was then prosecuting attorney for Cleveland. After retiring from office he formed a partnership with E. K. Wilcox, which continued about one year. In 1883 he was elected judge of the Court of Common Pleas, serving for two years, the residue of an unexpired term. Retiring from the Bench he practiced alone until 1886, when he formed a partnership with Alfred E. Buell, which continued until 1890. Again he was alone until 1893, when the present partnership of Blandin & Rice was formed. To Judge Blandin more than any one man Cleveland is indebted for its present excellent municipal laws. In 1884 he delivered an address before the Cleveland Chamber of Commerce on the subject of reform of the municipal government, urging the adoption of the Federal plan, separating the legislative and the executive branches, applying the same system in use by the National government. The press of the city at once took up the subject, and it had the support of all good citizens. It was strongly opposed by the element that usually prospers and flourishes under a weak form of government. After four years of hard fighting the act finally passed in the Ohio legislature, and the present system of government was organized in the spring of 1891. Judge Blandin is a broad-chested, broad-minded man, a close student and an able lawyer, who ranks among the first in his profession at the Cleveland Bar. There is nothing narrow in the man. He is determined, brave and outspoken in his views when he feels he is right, even if his cause is unpopular. Honorable and straightforward in all his transactions he has the respect and confidence of the community. In politics Judge Blandin is a Democrat, a strong and able advocate of free trade and independent bimetalism as the only means by which the financial conditions of the country can be permanently benefitted. He has never been an office seeker. He was at one time a member of



Manuel May

the board of education and a trustee of the waterworks. In 1868 he married Martha D. Van Ness, of Illinois, and by the union has two children, a son and a daughter, both living.

MANUEL MAY, Mansfield. Honorable Manuel May, who for ten years occupied the Bench of the Court of Common Pleas, is a native of Ohio, and has lived in the same town all his life. He is of English extraction on his father's side. John May, a ship captain, emigrated from Mayfield, England, in 1640, and settled in Massachusetts, and became the founder of the family in America. His descendants were patriotic and imbued with the spirit of independence when the mother country began to oppress the colonies. The grandfather of Judge May served in the Revolutionary War, participated in the battle of Bennington and in that of Saratoga at the time of the surrender of Burgoine. His mother's name was Wolfe, whose parents were of distinguished families, prominent in the Revolutionary War and prior colonial wars, and long resident of the Wyoming Valley in Pennsylvania. Some of the members held military rank in the War for Independence, and some of their descendants were equally conspicuous in the war for the preservation of the Union in 1861. John M. May, the Judge's father, was a native of Conway, Massachusetts; came to Ohio in youth and studied law in Lancaster with Philemon Beecher, and was fellow-student with the elder Thomas Ewing and the late Judge Jacob Parker. After admission to the Bar he settled in 1815 at Mansfield, and was the first lawyer to reside in that town. Manuel attended the public schools and was prepared for college by Lorin Andrews and William Johnston in Ashland Academy. He then entered Kenyon College at Gambier, and was graduated upon completion of the course. Having adopted the profession of law he took the prescribed course in the Cincinnati Law School and continued the reading and study of law under the tutelage of his father. Upon his admission to the Bar he was received into partnership with his father, continuing to practice with him until the latter's retiracy from the Bar. His subsequent law partners were Honorable John K. Cowen and the late Thomas McBride. The subject of this sketch has taken a prominent part in the educational affairs of his county and city and also has been active and influential in politics. He served as school examiner of Richland county several terms. In 1858 he was elected prosecuting attorney of the county and was re-elected in 1860, serving two terms. He was a member of the Mansfield city council four years, and during a part of the time served as president of the body. In 1866 he was elected to the State Senate and also served two terms in that body. He is a Democrat and has always supported that party vigorously, and yet it is a tribute to his personal popularity that for the first term in every election to a political office he was chosen in a district or precinct having an adverse majority. In other words, whenever he was inducted into office he displaced a Republican. The fact is complimentary also to his fidelity and usefulness in positions of trust. He could not without violence to his consci-

ence and temperament be inactive or indifferent in the performance of a public duty. In the Senate he was known as a hard worker, especially in the important committees of which he was a member. He represented his constituents with ability and zeal; was strong in debate and influential in the deliberations of the judiciary committee. The very satisfactory manner in which he discharged the duties of other positions to which he was chosen by his fellow citizens led to his election as judge of the Court of Common Pleas. He entered upon the duties of this office equipped with a good knowledge of the law, obtained from general practice in all the courts, and with a wide knowledge of business and public affairs. His purpose to be right in the decision of cases tried before him led to careful and conscientious investigation, through which he almost uniformly reached correct conclusions. He was re-elected and served a second term, occupying the Bench altogether for a period of ten years. No other commentary on his ability in this office could be stronger than the record of cases tried by him. During his service of two terms, out of all the cases appealed from his decisions, reversals were rare by the Supreme court, and in one of these that tribunal afterwards approved his decision by reversing itself and the Circuit Court. Judge May is a plain, careful, painstaking, honest man, who shirks no labor necessary to subserve the ends of justice. He is particularly careful to inform himself not only as to the facts but also as to the law, in every case. He is not influenced by personal acquaintance or friendship, or any sort of favoritism, in a judicial decision. His natural equability of temper, his love of justice and his inflexible integrity are among his qualifications for a judicial office. His patience and industry, his earnestness and devotion to the duty in hand are conspicuous in his practice as well as his judicial investigations. As may be expected, he prepares his pleadings with a carefulness and cautiousness which combine to make them exceedingly strong. Judge May was known as a War Democrat and performed essential and conspicuous services for the Union during the late civil war. He is known to all as a man of noble mind, strong in his convictions and energetic for what he believes to be right. His convictions govern his action in politics and business affairs as well as in professional duties. He has earned and receives the unqualified respect of the community in which he has always lived. His religious faith is that of the Episcopal Church, but he is not an active church man. Judge May is a Mason of the thirty-second degree, Past Eminent Commander of Mansfield Commandery Knights Templar, and has been presiding officer in Mansfield Lodge and in the encampment of I. O. O. F. Upon retiring from the Bench he resumed the practice of law which he has continued without interruption. He has never married.

JAMES L. BATES, Columbus. The Honorable James Lawrence Bates died at Columbus on the 2d day of May, 1890, highly respected as a judge, a lawyer and a citizen. Judge Bates was born in Canandaigua, New York, on the 4th day of January, 1815. He was descended from sturdy, honorable and patriotic ancestry. His father, the Honorable Stephen Bates, removing from the vicinity of Durham, Connecticut, in the year 1790, was one of the first settlers of western New York. The father was prominently identified with the early history of the State. He filled several offices of trust, among them those of sheriff, associate judge and a member of the general assembly. Judge Bates was next to the youngest of twelve children. He graduated from Hobart College, Geneva, in the year 1833, and at once began the study of law in his native town. His first preceptor was the Honorable John C. Spencer, a brilliant and distinguished son of the illustrious Ambrose Spencer, and a professional as well as political leader in the State, the friend and ally of DeWitt Clinton, one of the three great lawyers who were engaged from 1824 to 1830 in revising the statutes of New York (John Duer and Benjamin F. Butler being his colleagues), and secretary of war and secretary of the treasury of the United States, nominated to the Bench of the Federal Court, but rejected by the Senate on exclusively partisan grounds. At the close of this course of study Judge Bates had not attained his majority, and he determined to move to Columbus for the purpose of completing his law studies and begin the practice of law. He came in October, 1835, and completed his studies with Colonel Noah H. Swayne, who was afterwards an associate justice of the Supreme Court of the United States. Upon his admission to the Bar he entered into partnership with Colonel Swayne in the practice of law, which he pursued with diligence and success until he was elected, in 1851, the first judge of the Columbus judicial subdivision under the present constitution. Prior to his promotion to the Bench he was city solicitor of Columbus when Lorenzo English was mayor, and was also a member of the board of education. He was on the Bench fifteen years, having been elected three successive terms. During his whole judicial life he maintained the upright character, the judicial integrity and the efficiency which had characterized the administration of his eminent predecessor, Judge Joseph R. Swan. He left behind him as a judge the highest reputation for singleness of purpose and honest and efficient labor in the most important and useful judicial tribunal of the State. His retirement from the Bench was a serious public loss. Judge Bates served the State as director of the Ohio penitentiary for eight years, from April 5, 1866, to April 5, 1874, during which time he secured a thorough codification and improvement of the law governing that institution, under which the prison became not only remunerative, but most thoroughly disciplined and successful in all its departments. Upon the close of his judicial services Judge Bates seldom appeared in court. He enjoyed the performance of judicial duties, but the warfare of the Bar was not so congenial, and he avoided it. His time and attention were to a large extent occupied in the administration of many important private trusts which were placed in his hands by associates of his

active life, owing to their unbounded confidence in his integrity and his practical sagacity in the management of whatever might be given him in charge. It would, however, be a mistake to infer that Judge Bates, after he retired from the Bench and the Bar, lost his interest in either. On the contrary, he took a lively interest in whatever concerned the honor or usefulness or efficiency of the judiciary, and down to the death of his wife and the failure of his own health he manifested his regard and esteem for the personnel of the Bench and the Bar. Judge Bates was a strong man; strong in mind, strong in body, strong in will, and a tower of strength in character. The last real labor of Judge Bates was a labor of love, affection and gratitude. This was the preparation of a memoir of his father-in-law, Alfred Kelley. Mr. Kelley was one of the most intellectual public men who has appeared in the annals of Ohio. No one who knew Mr. Kelley and Judge Bates could hardly have failed to perceive that the former had exerted a strong influence in the formation of the character of the latter as to his mental traits and marked individuality. On the occasion of the meeting of the Franklin county Bar, held after the death of Judge Bates, the Honorable Richard A. Harrison said :

“I was admitted to the Bar in the spring of 1846. The term of the Court of Common Pleas of Madison county, where I began the practice, opened a few days afterwards. I first met Judge Bates at that term of the court. He appeared in a cause as the counsel for one of the banks of this city. I saw him occasionally from the spring of 1846 until the spring of 1852, when he assumed the responsible position of judge of the Court of Common Pleas, and undertook at the age of thirty to discharge the duties and exercise the powers which Judge Joseph R. Swan had discharged and exercised, a fearful undertaking for a young man, however equipped, to assume. From that time until his death I met him very often. He not only held court in his own judicial subdivision, which was composed of Madison, Franklin and Pickaway counties, but he frequently presided in other counties of the district. He never failed in his attendance as a member of the District Court. During the fifteen years I practiced before him I never saw him unjust toward a member of the Bar. He administered justice with a firm, impartial and just hand. Counsel, parties, litigant and the public at large felt that with Judge Bates on the Bench their dearest rights and interests were safe. There was no suggestion of suspicion during his long judicial service that he ever rendered an unjust judgment. He was a power upon the Bench. Every member of the Bar felt and recognized the fact, but he administered his official authority under a full sense of judicial responsibility. He knew counsel at the Bar had their rights as well as duties, and did not intrude upon these rights. The authority he exercised was simply such power in propelling the wheels of justice as was necessary to attain the ends for which judicial courts are established. Any court over which he presided commanded the respect and confidence of all.”

In October, 1837, he married the eldest daughter of Alfred Kelley. Mrs. Bates died suddenly in March, 1887, when they had nearly completed half a century of unalloyed devotion to each other, and were looking forward to the “Golden Wedding” that should come with the next autumn. The living children of this union are Mrs. Holmes, wife of J. T. Holmes; Mrs. Little, wife of W. P. Little; Miss Mary S. Bates, all of Columbus, and the Rev. Alfred



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C. H. Fitch

Kelley Bates, now of Cadiz, Ohio. Judge Bates was a man of strong and decided religious convictions, and he died a member and in communion of the Reformed Episcopal Church of Philadelphia, Pennsylvania, there being no church organization of that denomination in Columbus.

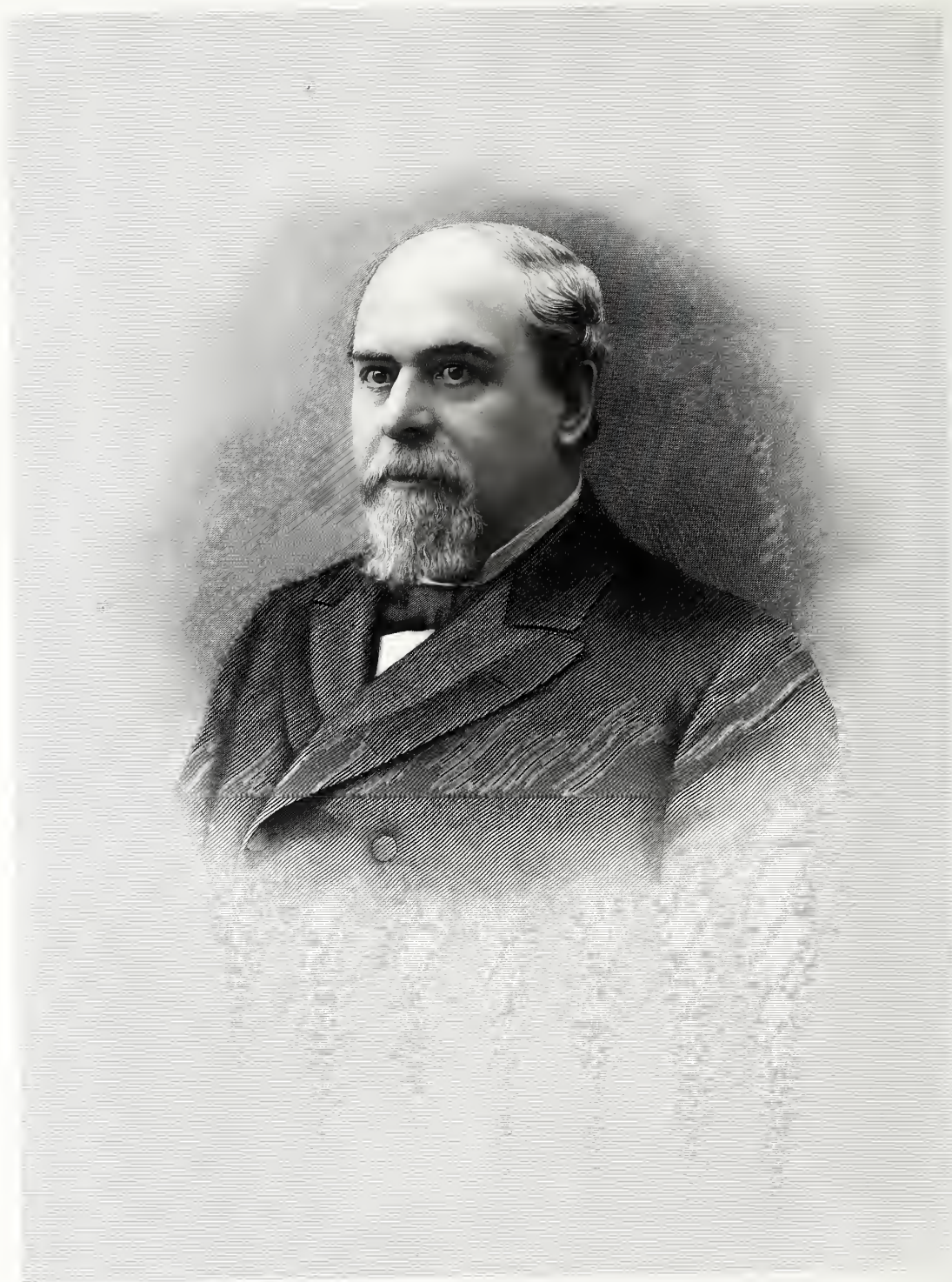
ORRAMEL H. FITCH, Ashtabula. Honorable Orramel Hinckley Fitch was born in Connecticut, January 12, 1803, at Lebanon, a town founded by his ancestors in 1660. His father, Azel Fitch, was a woolen manufacturer, whose business was destroyed by the free trade policy of the United States after the war of 1812. He was of English ancestry and a direct descendant of Baron Fitch of the English Bench. The first of the Fitches who emigrated to America was the Rev. James Fitch, one of the settlers of Norwich, Connecticut. The township was granted to him and his father-in-law, Major John Mason, with thirty-three others, in 1659, by Uncas, the noted Mohegan Indian chief, in consideration of the assistance these settlers could render the Mohegans against their enemies, the Pequods. At a subsequent period Owaneco, the son and successor of Uncas, in consideration of favors received from Mr. Fitch, granted to him a tract of land five miles square within the present limits of Lebanon, a portion of which comprises the homestead which was occupied by the family for several generations. Collaterally the Fitches are descended from LeScrope, who was Lord Chief Justice of England in the reign of Edward I. The mother of O. H. Fitch was Fannie Hinckley, of Plymouth, Massachusetts, a granddaughter of Governor Hinckley of Plymouth Colony before and at the time of its consolidation with Massachusetts. Mr. Fitch's grandfather, Abraham Fitch, was a captain in the Second Regiment Connecticut Light Horse Cavalry, which played a conspicuous part in the American Revolution and the French and Indian wars. At an early age Mr. Fitch entered Westfield Academy where he was prepared for Yale College, but owing to the loss of his father's fortune he was prevented from entering college. With the assistance of his cousin, who entered Yale about this time, he pursued the college course and was prepared to graduate from the institution, but not having been regularly entered as a student the diploma could not be granted him. He afterwards became the principal of the Westfield Academy, and later of an academy in Richmond, Virginia. He read law with Honorable Calvin Goddard, of Norwich, Connecticut, who was at one time a member of Congress and on the Supreme Bench of Connecticut. He was admitted to the Bar of that State in 1827, and the following year came to Ohio and was admitted to practice in this State, at Cincinnati. After visiting several points in the State he finally located in Ashtabula, where he practiced law continuously until 1863. He then retired from the practice to look after his large and varied interests. He was one of the organizers and president of the Farmers' State Bank of Ashtabula, and when it became a national bank he was elected president, which position he held at the time of his death in 1882.

In 1835 Mr. Fitch was married to Catherine Hubbard, of Holland Patent, New York, and by this union two children were born: Edward Hubbard Fitch, one of the leading lawyers in Ohio, recently deceased; and Fannie, who married Marshall H. Haskell, of Ashtabula. Few men have ever resided in this part of the State who more thoroughly had the respect and confidence of the people. Mr. Fitch was greatly beloved by those who knew him intimately. Always honorable and just in his dealings, his advice was much sought, even after he had given up the practice of his profession. As a lawyer he was very clear and forcible, and while in practice enjoyed a large and profitable clientage. In 1861 Salmon P. Chase, Secretary of the United States treasury, appointed him one of the agents to negotiate the seven-thirty bonds issued by the United States government to defray the expenses of the war. From 1835 to 1839 he was a member of the State legislature. In 1841 and '42 he was prosecuting attorney for Ashtabula county. He was the first mayor of Ashtabula, and was most active in securing railroad and harbor improvements. Always prominent and active in church work, he was for forty years an elder in the Presbyterian Church. In 1854 he became a member of the American Association for the Advancement of Science, always attended the annual meetings of the association, and was a Fellow of the Society when he died. He devoted much time to scientific pursuits. He was also prominent in securing the establishment of Lake Erie Seminary at Painesville, to which he left a valuable geological collection. He was originally an old-line Whig, afterwards a Republican, but for many years prior to his death had not taken an active interest in political affairs.

WILLIAM B. HUBBARD, 1795-1866. William Blackstone Hubbard, lawyer, statesman and financier, was born in Utica, New York, August 26, 1795. He was the son of Bela and Naomi Hubbard. His ancestors sprang from the best Anglo-Saxon stock. Mr. Hubbard was a descendant of the Stow family, of which the first American progenitor came to this country as early as 1640, only twenty years later than the landing of the Pilgrims. The Stow family settled in Connecticut, where it has been distinguished for many generations. After receiving a thorough classical collegiate education, Mr. Hubbard read law with his maternal uncle, Silas Stow, who was an accomplished lawyer and the father of the late Chief Justice Stow, of Wisconsin. With this excellent equipment for his profession, Mr. Hubbard, after being admitted to the New York Bar, removed to St. Claesville, Belmont county, Ohio, where he began the practice of law in 1816. He rose rapidly to eminence in his profession and for years stood at the head of the Bar, being contemporaneous with such renowned jurists as John C. Wright, Charles Hammond, Benjamin Tappan, John M. Goodenow, Phillip Doddridge and Judges Hallock and Leavitt. Mr. Hubbard served for several years as State's attorney for Belmont county. His great ability and enviable success were acknowledged by his election from

Belmont county to the Ohio State Senate of the Twenty-sixth and Twenty-seventh General Assemblies from 1827 to 1829. During his term as Senator, Mr. Hubbard entertained the idea of a railway, and on the 23rd of February a bill was passed by the Legislature which had been drafted by him, entitled, "An Act to incorporate the Ohio Canal and Stubenville Railroad Company." This was the first legislation by the State relating to railroads, and is among the first legislation passed by any State on this important subject. Mr. Hubbard was elected to the House of Representatives of the Thirteenth Ohio General Assembly in 1831, and his fellow members in that body chose him for their speaker. He presided over the deliberations of that body with distinguished dignity and capability. In the fields of law and politics Mr. Hubbard thus early won distinction and honor, and had his ambition so aimed he might easily have attained to the highest political preferment, but from choice he gradually identified himself with financial and business affairs, and there also he exhibited the same unusual talent and achieved eminent success. From 1834 to 1865 he was trustee of the Ohio University at Athens, which institution recognized his rare scholarship by bestowing upon him the degree of LL. D. In politics Mr. Hubbard was first a Whig, and afterwards a Republican. During the civil war he was a staunch and uncompromising Union man, and used all the influence at his command in behalf of the Union cause. He was instrumental in the legislation resulting in the establishment of the State banking system. The Honorable Salmon P. Chase frequently consulted him upon financial questions, and held his opinion in high regard. Few men were so well versed in science, literature, philosophy and the arts. In the midst of a most busy life, crowded with cares and financial trusts, Mr. Hubbard still found time to indulge his taste and talent for learning and culture. His mind retained a perennial vigor and brightness. He never lost his love for the classics, and in his last years he could converse readily with professional scholars in Latin. Endowed with rare conversational powers his speech sparkled with gems of wit and humor. In his intercourse with his fellow men he was sociable and affable, a most entertaining companion and wise counselor, a firm and fearless advocate of justice and truth; and a stranger would at any time have marked him for what he really was, an intellectual, dignified, cultured gentleman, with a sincerity of purpose and an unswerving integrity in all his motives. Mr. Hubbard died in Columbus, January 5, 1866, having lived the allotted Scriptural span of three score years and ten. He was married January 2, 1817, to Margaret Johnson, of St. Clairesville, who survived him many years and was noted for her loveliness of character and the important part she took in promoting and assisting the many charities in the city of their adoption.

RUTHERFORD H. PLATT, Columbus. Rutherford Hayes Platt was born September 6, 1853, at Columbus, Ohio. The Platt family from which he is descended came to America with the earliest colonists about 1620. Benjamin Platt, his great-grandfather, was a native of Connecticut, and removed from Milford in that State to Columbus, Ohio, shortly after the foundation of the latter city. His father, William A. Platt, was born in Lanesborough, Massachusetts, and came to Columbus to join his grandfather while still a boy. Rutherford's mother was Fanny A. Hayes, sister of President Rutherford B. Hayes. William A. Platt was prominently identified with the growth of the city of Columbus, was a successful merchant, and a man of great business ability. Rutherford was the only son, and was educated at Harcourt Place school, Gambier, Ohio, and at the famous Phillips Academy, Andover, Massachusetts. He graduated from the latter school June, 1870, and in the fall of the same year entered Yale College, graduating in the classical department in 1874. He then spent two years in Europe in travel and the study of the modern languages. In 1877 he entered Columbian Law School, from which he graduated in 1879, being one of the five honor men in a class numbering 250. He was admitted in June, 1879, to the Bar at Columbus, Ohio, by the Supreme Court. For some years he was the law partner of General John G. Mitchell. When the College of Law of the Ohio State University was established in 1891, Mr. Platt was chosen professor of the subject of pleading, and filled that position for four years with great satisfaction to the students and trustees of the university, until the removal of the law school from the center of the city to the university grounds, when Mr. Platt resigned in order to give his entire attention to his private practice. Mr. Platt is one of the best educated members of the Columbus Bar, and as a lawyer is held in the highest esteem by the fellow members of his profession. He is especially versed not only in court procedure but in the laws governing estates and their administration, in which practice he has had large experience. He was appointed member of first board of directors of Columbus Work House, and has given much time and attention to the organization and operation of that institution; has served as director and counsel for many of the largest corporations, including the Door, Sash and Lumber Company, Columbus Gas Light and Coke Company, Franklin Insurance Company, The National Exchange Bank, Columbus Savings Bank, the Columbus and Xenia Railroad Company. He has been a member for many years and since 1894 president of board of trustees of Greenlawn Cemetery Association. Mr. Platt married in January, 1887, Miss Maryette Smith, of Columbus, Ohio, the daughter of Captain Robert S. Smith, counsel for the Columbus and Xenia Railroad. Mrs. Maryette Smith Platt is the granddaughter, on her mother's side, of Joseph R. Swan, one of the most eminent jurists of the Ohio Supreme Court. Mr. Platt has two sons, Robert S. and Rutherford, Jr., and two sisters living, Mrs. General John G. Mitchell and Mrs. General Russell Hastings, and one sister deceased, Mrs. Dr. Erskine B. Fullerton.



Edward H. Steel

EDWARD H. FITCH, Jefferson. Honorable Edward Hubbard Fitch, who has for years been conspicuous in law, science and politics, was born May 27, 1837, at Ashtabula, Ohio. His father, Honorable Orramel Hinckley Fitch, a lawyer and man of affairs, was born in Connecticut, and his ancestors were English. His mother, Catherine M. Hubbard, was a native of Trenton, New York State, whose parents formerly resided in Middletown, Connecticut, and were likewise of English descent. At an early age Edward was sent to the grammar school at St. Catherine's, Canada, where he was prepared for college. In 1854 he entered Williams College and was graduated with honors in 1858, being one of the class orators. While at college he was the president of the Natural History Society. After receiving his degree of Bachelor of Arts he returned to Ashtabula and at once entered his father's office where he began the study of law. He was admitted to the Bar by the District Court of Cuyahoga county in September, 1860. The following year Williams College conferred upon him the degree of A. M. He commenced practice at once alone, but in a short time formed a copartnership with his father, which continued until January 1, 1863, when his father retired from practice. He then formed a partnership with Judge Horace Wilder, afterwards a judge of the Supreme Court of Ohio, under the name of Wilder & Fitch. This continued until the December following, when Mr. Wilder was appointed to the Supreme Court Bench. He then practiced alone until July, 1864, when he became a partner of Judge L. S. Sherman, who at this time is the oldest practitioner in this county. In 1868 this firm was dissolved and he was again alone until 1878, when he formed a partnership with Honorable S. A. Northway, now Congressman from this district. In the fall of 1878 he removed to Jefferson, Ashtabula county, where he has continued to reside. Ten years later this partnership was dissolved and he remained alone until September 1, 1896, when he formed a copartnership with his son, Winchester Fitch, with offices at Jefferson and Ashtabula, the son being in charge of the Ashtabula office. In 1870 Mr. Fitch was, by Governor R. B. Hayes, appointed delegate from the Nineteenth District to the National Capital Convention, at Cincinnati, and in the same year he was admitted to practice in the Supreme Court of the United States upon the motion of James A. Garfield, who had been his friend since college days. Mr. Fitch has for years enjoyed one of the largest law practices of the lawyers of northeastern Ohio. He is a lawyer of great ability and has the reputation of conducting a case with great skill. His arguments to the court are always clear, strong and to the point, omitting nothing essential to a complete statement and containing no surplusage. Before the jury he is both forcible and persuasive, evincing the art and power of the advocate. He has been most successful with his cases on error, and has won a large majority of the numerous cases he has argued in the Supreme Court. His practice, while it has been of necessity of a general character, has had much to do with insurance and real estate law. Mr. Fitch is politically a Republican. His first vote was cast for Lincoln and he has always taken an active interest in State and National politics. An orator of force and influence

he is much sought for public speaking. For twenty years he was recorder and a member of the Ashtabula council. In 1867 and 1868 he was prosecuting attorney for Ashtabula county. He was for fifteen years a justice of the peace and forty years a notary public. He was several years a member of the Republican State central committee. Mr. Fitch was appointed by Governor McKinley in 1894 chairman of the Torrence Commission. He is a Fellow of the American Association for the Advancement of Science, a member of the American Bar Association, the Ohio Bar Association and of the Sons of the American Revolution. He was for a number of years chairman of the committee of judicial administration and legal reform of the Ohio State Bar Association. In 1863 Mr. Fitch was married to Alta D. Winchester, a daughter of Philander Winchester, at one time editor of the *Painesville Telegraph*, a noted Abolitionist and one of the founders of the Republican party. Of this union there have been eight children, five of whom are living: Winchester, born November 21, 1867, now a member of the Bar and partner of his father; Annette, born January 31, 1870, and married January 31, 1892, to Curtis Brewer, who is at present city engineer of Sandusky and connected with the Jarecki Chemical Company; Edward H., born March 31, 1873, educated in the Western Reserve Academy at Hudson, Oberlin College and Cornell University; at the latter place, being a member of the Delta Kappa Epsilon Fraternity, to which his father; brother and brother-in-law also belong, and of the University foot-ball team, receiving his degree of Bachelor of Laws in 1897; Alta, born July 24, 1875, and Flora, born August 5, 1878. [Mr. Fitch died at Conneaut, his summer residence on Lake avenue, Thursday, September 9, 1897, and was buried in Chestnut Grove Cemetery, Ashtabula.]

GEORGE L. CONVERSE, Columbus. The late George Leroy Converse was born in Georgeville, Franklin county, Ohio, on the 4th day of June, 1827. He was a son of Dr. George W. and Casandra (Cook) Converse. His father was a physician, the son of Sanford Converse, a soldier in the war of 1812, and Sanford was a son of Jeremiah, a soldier in the Revolutionary War. The family descent is from the French Huguenots, and the first of the American line came to the western continent with Governor Winthrop. After the death of Dr. Converse his widow, being a woman of more than ordinary attainments, supported herself and child by teaching. George, guided and assisted by his mother, attained the elements of his education in the district schools, afterwards attending the Central College for seven years, then entered Dennison University at Granville, and was graduated in 1849. He studied law in the office of General J. W. Wilson at Tiffin, but removed to Columbus in January, 1852. In 1854 he was elected prosecuting attorney, serving one term and declining re-election. Mr. Converse was accorded a leading position in the Franklin county Bar. He was devoted to his profession and did not court political preferment. In 1859 he was elected a member of the legislature and

was re-elected in 1861, serving two terms. In 1863 he was elected to the State Senate and became the recognized Democratic leader. In 1863 he was elected to the lower House and was made Speaker, where his efficiency and resources as a parliamentarian attracted the attention of the entire country. He was re-elected in 1875 and was the Democratic leader on the floor of the House. In 1887 he was a prominent convention candidate for governor, with Durbin Ward and R. M. Bishop as competitors, Bishop being successful. In 1878 he was elected to Congress. Mr. Randall, the speaker, appointed him chairman of the committee on public lands. He was re-elected in 1880 with but little opposition. The position taken by Mr. Converse on the tariff and his eminent abilities made him a conspicuous figure. He was fully in accord with Mr. Randall, believing and advocating that a tariff should be so levied as to protect the industries of the country against foreign competition, especially agricultural interests, including wool. It was Mr. Converse who moved to strike out the enacting clause of the Morrison horizontal tariff bill when in committee of the whole it was under discussion. After the defeat of the bill its friends and opponents agreed that the question should be authoritatively settled by the Democratic National Convention of Chicago. Mr. Randall was to champion those who opposed and Mr. Morrison those who supported the bill. Mr. Randall was unavoidably detained from the first day of the convention and Mr. Converse, though not a delegate, sought a place in the Ohio delegation and membership on the committee on resolutions, when the control was to be reached by an attempt to make Mr. Morrison chairman. The opponents of the bill were successful, but Mr. Converse, although entitled to the honor himself, requested that Mr. Morrison be made chairman. In return for this courtesy he was invited by Mr. Morrison to make a speech in reply to Benjamin F. Butler, who spoke against the report of the committee. Mr. Converse contributed largely to the presidential success in 1884. With Mr. Randall he was called to New York and made a canvass of that State. In his practice, as well as in his life and citizenship, Mr. Converse sustained a character for integrity and honesty of purpose beyond reproach. He was fairly entitled to the distinction he won. He was clean-cut and sagacious. As a lawyer he attained high rank at the Bar; as a citizen he gained the respect and confidence of all who knew him. He was a typical American, loyal to the best interests of his country; was kind and obliging to those who were struggling to obtain recognition at the hands of his countrymen. In 1892 Governor McKinley appointed him a delegate to the Nicaraguan Canal convention held at St. Louis. He was made chairman of the convention, and of a subsequent convention held at New Orleans, called by him under authority of the St. Louis convention. In this he advanced the view that this government should construct the Nicaragua Canal as a national safeguard and in the interest of commerce, supporting his position by a strong argument and later by public addresses in the larger cities. George L. Converse practiced at the Franklin county Bar nearly fifty years and undoubtedly had more cases than any other lawyer at the Bar. The space allotted to this sketch prevents the

mention of important cases in which he was engaged. He was known as a hard, earnest and almost desperate fighter and would never surrender a point. On the 16th day of September he married Sarah E., daughter of Nathaniel Patterson. Mrs. Converse died on the 19th of November, 1883, highly respected for her many good qualities. He again married in 1889, his second wife being Eloise, daughter of Dr. C. P. Landon, an eminent physician of Columbus. Mr. Converse died at his home at Columbus on the 30th of March, 1897.

WINCHESTER FITCH, Ashtabula. Winchester Fitch is descended from a family of lawyers. His earlier English ancestors were connected with the profession, and he is the third generation of the family engaged in the practice of law in Ashtabula. With his inherited tendencies, studious habits and determination to master the principles of the law, it is fair to assume he will maintain the reputation of the family. The son of Honorable Edward H. Fitch and Alta D. Winchester, he was born at Ashtabula, November 21, 1867, and received his primary education in the public schools of that city. After he had passed through the grammar school his parents removed to Jefferson, where he was graduated from the high school. At the age of fifteen he entered the Cascadilla School at Ithaca, New York, where he was prepared for college. In 1884 he entered Cornell University, and was graduated in 1888 from the literary department of that institution. His favorite studies were history and the languages. After graduation he went to Chicago, and was for a time in the general offices of the Chicago, Burlington & Quincy Railroad. He then became a reporter upon the *Inter Ocean*, and later was appointed the marine editor, and afterwards literary editor of the *Chicago Evening Journal*. For a short time prior to the Columbian Exposition he was a member of the real estate firm of Edwin Reed & Co. While in Chicago he read law and was a student of the Chicago College of Law, taking the night course. In 1893 he returned to Jefferson to complete his law studies in his father's office. In 1894 he was admitted to practice at Columbus by the Supreme Court. At this time he owned an interest in the *Geneva Times*, and edited the paper until 1895, when he came to Ashtabula. Since that time he has been associated with his father in the practice of law, under the firm name of Fitch & Fitch, with offices in Jefferson and Ashtabula. Mr. Fitch is a Republican, and has been a member of the county central committee, of the senatorial committee, and of the board of county school examiners. During the campaign of 1896 he was an assistant to Colonel Haskell and Major Dick at the Republican National headquarters in Chicago. In that position he discharged the duties devolving upon him with much skill, and in a manner entirely satisfactory to them and the National committee. On June 30, 1897, Mr. Fitch was married to Miss Florence Hopper, daughter of George H. Hopper, Esquire, of New York, a member of the Standard Oil Company, at "Elnwood" his country seat at Unionville, Lake county, Ohio. Mr. Fitch is a member of the Ohio State Bar



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Winchester Fitch-



Association, the Western Reserve Society, of the Sons of the American Revolution, the Cincinnati Society of Colonial Wars, the Rowfant Club of Cleveland and the Twentieth Century Club of Chicago.

THEODORE HALL, Ashtabula. Theodore Hall was born August 29, 1838, at Ashtabula, Ohio, his father, Stephen Hall, was a native of New York, and removed as a young man to Ohio and settled in Ashtabula, where he engaged in the mercantile business. The family are of English descent. The first member of the family in America was John Hall, who was born in Kent, England, in 1584, and came to this country in 1633, settling in New England. He died at Middletown, Connecticut, May 26, 1673. Stephen Hall, the great-grandfather of the subject of this sketch, served through the Revolutionary War and was a member of the Society of Cincinnati, a society of American Revolutionary officers, founded by George Washington. He was captain of a company in Colonel Herman Swift's regiment. Friend Hall, his grandfather, was born in Connecticut, September 10, 1773, and was a private in the war of 1812. His great-uncle, Amos Hall, was general in command at Buffalo, New York, in the same war. His mother was Ruth Booth, daughter of George Booth, who resided in Ashtabula county. She died when Theodore was a child. His early education was in the district and high school at Ashtabula, and in 1858 to 1860 he attended the Alleghany College at Meadville, Pennsylvania. He then entered the office of the Honorable Laban S. Sherman, where he read law, and was admitted to practice September 10, 1861. In November, 1861, he located in Geneva, Ashtabula county, and practiced law there one year. From November, 1862, to the fall of 1863 he was deputy internal revenue collector at Ashtabula. Returning to Geneva he practiced his profession until March, 1866. He then returned to Ashtabula, where he has since practiced. In 1867 he formed a partnership with Honorable L. S. Sherman under the firm name of Sherman & Hall. This lasted until 1875. He has since almost continuously practiced alone. His business has been of a general character. For a number of years he has had a large amount of corporation business, and has probably tried more personal damage cases than any other lawyer in Ashtabula county. He is now the local counsel for the Lake Shore & Michigan Southern Railroad, and also for the Nickel Plate. Mr. Hall's ability as a critical, technical lawyer is recognized by the Bar, and he has been most successful upon error, winning a large proportion of his cases taken to the higher courts. Politically a Republican, he has never sought or held office of any importance. In the campaign of 1896 he made a number of speeches for McKinley. In 1862 he married Lucy Pierce, of Saybrook, and by this union there are two children, a son and a daughter. Mrs. Hall died in 1889 and in 1892 he married Nellie Ketcham, of Ashtabula, by whom he has one son.

GILFORD L. MARBLE. Van Wert. Gilford Lionel Marble was born in Delphos, Allen county, Ohio, September 22, 1862. He is the son of Colonel John M. C. and Mary L. Marble, and is recognized both in the profession and in the community as one of the representative members of the Bar of his county. He was educated in the public schools and afterwards received the best scholastic advantages as a student of the college of New Jersey at Princeton, the Ohio Wesleyan University, at Delaware, and the University of Wooster. Having decided at an early age to enter the legal profession, he began his special preparation in 1880 in the office of J. K. O'Neal, at Lebanon. Soon afterwards he entered the office of Irvine, Brice & Hackedorn, at Lima, where he remained until he was admitted to the Bar. The firm was then reorganized and he was admitted to membership under the firm name and style of Hackedorn, Wheeler & Marble. While a member of this firm Mr. Marble gained for himself a high reputation. His first important work was the settlement of the complicated affairs of the Lima Car Works, the adjustment of which was placed in his hands when the works failed in 1884. In 1885 he returned to Van Wert and became identified with the Cincinnati, Jackson and Mackinaw Railroad as general counsel, a position which he retained until 1888. Among the noteworthy cases with which he has been connected as counsel a few may be mentioned: He was attorney for the contractors of the C. J. and M. Railway in their suit against that company, which he finally won, after three years of litigation, securing to his clients the full payment of their claim. He was attorney for the employes of Luman A. Andrews et al, trustees, vs. Pittsburg, Akron and Western Railway. The road had been placed in the hands of a receiver in 1895 owing its employes back pay for services extending over a period of from six months to three years. He was successful in this suit also, collecting his clients' claims in full. He was attorney for the defendant in the contest brought by Warren F. Penn vs. Roenna Penn et al, to set aside the will of John W. Penn, deceased. It was the most noted will case in the county, involving some thirty thousand dollars, and was very stubbornly contested. Marble and Blockly won the case for their clients when it seemed hopeless in the opinion of other attorneys of the county. Mr. Marble is a progressive, enterprising and public-spirited citizen. He is at the same time conservative in the best sense of that word, opposing reckless extravagance and unnecessary loss or waste; he would foster and build up, promoting every practical undertaking whose object is the betterment of conditions in the municipality, physical, educational and moral. Mr. Marble is a man of excellent intellectual attainments and professional ability. His personal traits are such as gained for him popularity and esteem. He has an individuality that is marked and positive, while his cordiality of manner in intercourse and his equability of temper attract others. He has been married twice, first in December, 1887, to Miss Leonora Sherwood, by whom he had one daughter, Katherine, born April 8, 1891. In September, 1894, he was married to Cora M. DePuy, an accomplished lady of Van Wert. By this marriage he has one son, named John McKinley, born December 13, 1895.



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Wm. H. Lynch

THOMAS H. LOLLER, Dennison. Mr. Loller is a native of Ohio, born at Nashville, Holmes county, September 14, 1861. His parents were W. B. and Lucinda M. Duncan Loller, the former a native of Pennsylvania and the latter of Ohio. He obtained his early education in the public schools of his native town, graduating from the high school with the class of 1880. He then entered the Ohio Wesleyan University at Delaware, remaining there for one year, when he took up the study of law under the instruction of T. D. Healey, of Urichsville, Ohio, taking a preparatory course, after which he entered the Law Department of the University of Michigan and was graduated from that institution in 1884, with the degree of Bachelor of Laws. He was admitted the same year by the Supreme Court at Columbus to practice in all the courts of Ohio, and began the practice of law at Dennison in the spring of 1885, where he has continued without interruption to the present time. He has held the office of city solicitor for a period of ten years. He has been the attorney for the Dennison Building and Loan Association for about the same period. He has devoted himself entirely to his profession and has built up a clientage that is eminently respectable both in proportions and character. He attends closely to his business and is faithful in the interests of his clients. In politics he is Republican, but not an active partisan, though at present a member of the county central committee. Referring to his standing at the Bar, one of the ablest practitioners of Tuscarawas county remarked: "T. H. Loller is a very good all around lawyer. During the ten or twelve years he has been at this Bar he has maintained himself very well. He appears frequently in court trials, though I think most of his practice is in the nature of chancery cases and office business. He is well read, a pleasant speaker and makes a strong argument before a jury. He has in him the elements of a successful attorney. He is upright, of strict integrity and deserves the liberal support he is receiving." Mr. Loller affiliates fraternally with the Masonic Order. He is a Knight Templar and a member of the Mystic Shrine, Aladdin Temple, of Columbus. He was married in 1886 to Miss Lucy Laylander, daughter of James and Mary Crouch Laylander, an old and prominent family of Millersburg, Ohio. They have one son, Charles Ansell.

WILLIAM A. LYNCH, Canton. W. A. Lynch was born at Canton, Ohio, August 4, 1844. His father and mother were both natives of Ireland, who met in Stark county, Ohio, and were married. His father was county surveyor and county recorder, a man of great energy and of unusual business ability. He was one of the pioneers in developing the coal mining interests of this county, and also in opening up the coal fields of western Pennsylvania. Besides these, he became deeply interested in railroad construction and promotion. He was one of the projectors of the Pittsburg, Fort Wayne and Chicago Railroad, and was active in the building of other railroads. These large enterprises necessarily carried with them a corresponding responsibility,

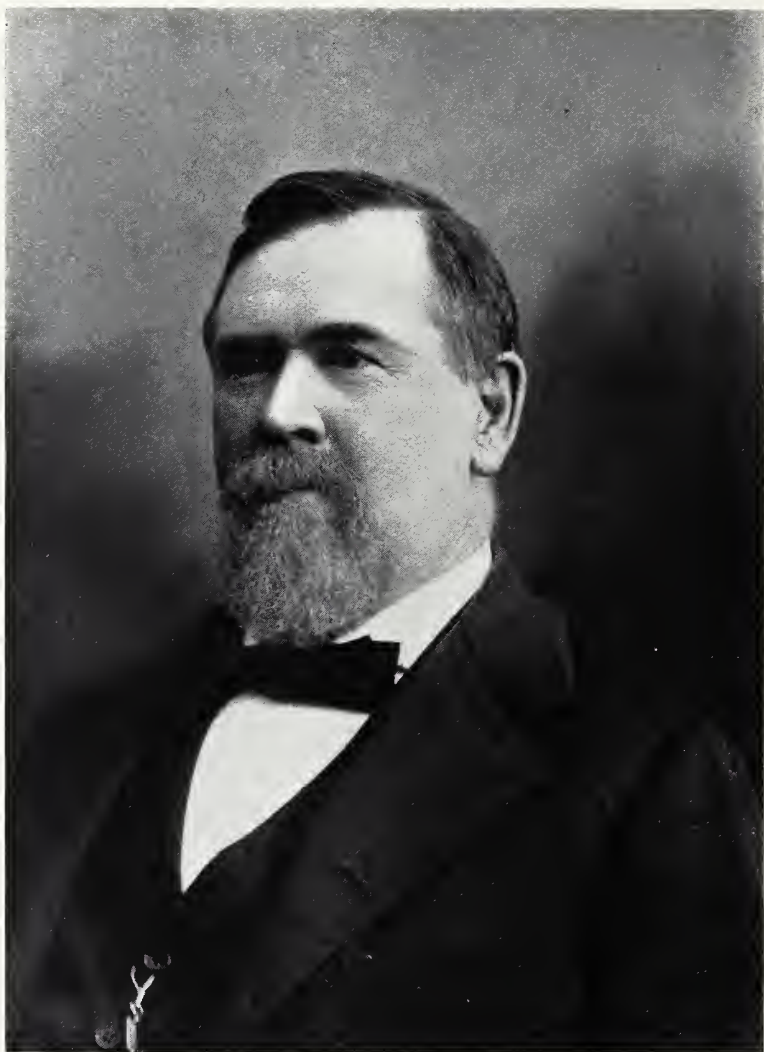
and upon his death, which occurred just prior to the financial panic of 1857, it was found that the great depreciation in the values of all property, caused by the stagnation of business and the general financial depression had seriously involved his estate. Indeed, so great had been the shrinkage in values and the loss entailed by the want of his personal supervision that a large indebtedness was shown. At this time William A. Lynch, the son, was a boy of twelve years—old enough to realize the great loss, and yet quite young to assume the burden placed upon his shoulders. That these early trials had much to do with developing the breadth and keenness of his business capacity, and the firmness, decision and earnestness of his character cannot be doubted. One of the earliest acts of his business career was to pay off all the outstanding obligations of his father's estate. He faced the situation more like a man than a boy twelve years old. He appreciated the value of education, and set himself to work most assiduously to acquire knowledge. With the assistance of the education received in the public schools he became a great reader and a deep student, and when he had attained his sixteenth year he entered the law office of Honorable Lewis Schaefer, of Canton. He was admitted to practice immediately upon reaching the legal age, September 1, 1865, and was taken into partnership by his preceptor. While studying law, and afterwards in the early days of practice, he made the acquaintance of many men of great prominence and of distinguished ability. Among others, Honorable John McSweeney was attracted to the young man by the promise shown in him of future strength, and took delight in seeking his company and aiding him by advice and council from his own wide experience. This was always gratefully received and wisely utilized, so that in a few years the young and ardent student was by far the strongest advocate that his friend McSweeney had to contend with in the courts of northern Ohio. His partnership with Honorable Lewis Schaefer was dissolved at the end of four years, and Mr. Lynch remained alone until 1872, when he was joined in practice by the Honorable W. A. Day, now assistant secretary of State, appointed by President McKinley, and the style of the firm was Lynch & Day. April 17, 1878, an addition was made to the firm by the admission of Austin Lynch, a brother of the senior partner, under the style of Lynch, Day & Lynch. In 1893 Mr. William A. Lynch retired from the firm. A notable and historical case in northern Ohio in which he was prominent was that of the State vs. Richardson. The defendant was a woman charged with killing her husband, and the legal talent engaged upon both sides was of the strongest character. The State's attorney was assisted by William A. Lynch and Judge Day, whilst the defendant had employed John McSweeney, Judge Ricks, Judge Mayer, Judge Pease—an array of talent that is rare in one case. Medical expert testimony lent its aid in exciting the public interest, and the tragic affair concluded with a verdict of manslaughter. Mr. Lynch was twice elected by the people to the office of prosecuting attorney. The first time his opponent was Charles M. Manderson, recently Senator from Nebraska. The second term he had Major McKinley for a competitor and failed of election. But upon the succeeding term he

again contested with Major McKinley for the position, and was returned to the office to which they had aspired. During this period the county of Stark was strongly Republican. The office of prosecuting attorney and solicitor of the city of Canton are the only offices to which Mr. Lynch has been elected and the only offices for which he permitted himself to be placed in nomination. He has always been a staunch, consistent, old-line Democrat, and has repeatedly been tendered the nomination for Congress from his district, but always declined to enter political life. So firm was this resolve that he declined even an appointment to the Common Pleas judgeship, tendered him by Governor Hoadly. He was a delegate to the Indianapolis "National Democratic Convention" in 1896, and was one of the electors at large upon that ticket for the State of Ohio. In 1883, upon retiring from the firm of Lynch, Day & Lynch, he devoted himself to the work of counsel of corporations, and this soon led him into an active participation in the management of several enterprises of great magnitude. He was one of the projectors of the Pittsburg, Akron & Western Railroad in northern Ohio, besides being exceedingly active in promoting the construction of new railroads in the West; reorganizing railroad, coal and iron properties and manufacturing companies. He has frequently been appointed receiver for large interests, whilst in matters of litigation and reorganization of big properties his counsel and active co-operation and assistance are invariably sought. He is president of the local street railway of Canton, and is always deeply interested in every enterprise tending to benefit the town. He was married with Eliza Rush Underhill October 14, 1874, daughter of Judge Underhill, of Canton. They have a family of three daughters, all of whom are now attending school—two at Smith College, Northampton, Massachusetts, and the youngest is now preparing for the collegiate course. In speaking of Mr. William A. Lynch, a prominent member of the Ohio Bar said:

"I have known him from his student days. He is a man of keen, logical, analytical mind. No fallacy escapes his attention. He was always most studious and industrious. He has the principles of the law thoroughly mastered, and knows more of the philosophy of the law than of mere case law. He is well versed in law literature and the best English literature. He is a wide reader, and of good general intelligence, reading and experience. When he was in the general practice of the law, he was easily leader of the Bar in Stark county, and while his reputation was somewhat local, I know of no better trial lawyer in this State. He possesses exactly the temperament for a trial lawyer, sufficiently combative, but not unreasonably so. He always retains complete control of his temper, of his feelings, and of himself, and never permits any of these to get the better of him, or to betray him into a mistake. He is full of wit, pathos and logic, and possesses command of a wonderful vocabulary. He is a most forcible and convincing speaker. If elegance of diction, pathos, humor, fine analysis, logical argument and forcible manner, combined with a warm enthusiasm for any cause he espouses, make an orator, then William A. Lynch is one. He has a cool head, rare tact and ripe judgment. His perceptions are quick. He is a broad-minded, capable man, who in a law suit or other matter quickly grasps the strong points and relies upon them for success, rather than by magnifying unimportant details, the common fault with loose thinkers. Mr. Lynch's position at the Bar was entirely the result of his high

character, his great ability, and his sterling integrity. A man of solid parts, he relied upon the public judgment of his character and qualifications for his business, and never resorted to the arts of the small lawyer to bring it to him. He has a warm, generous, sympathetic nature free from all demagoguery; a man of convictions, and a man of courage. The measure of the man, his strong sense of duty, courage and fearlessness, where duty prompted any line of conduct, was shown in the late campaign. He has always been a strong Democrat, an ardent partisan, but his conscience impelled him to oppose the action of his party in 1896, and he did so with all the force and ability of his character. On this occasion he made a truly magnificent speech in Canton. In my opinion, there was no speech made during the campaign on the sound money question, excepting, perhaps, that of Carl Shurz, at Chicago, which will in any way compare with it. Mr. Lynch is a strong Catholic, but free from all bigotry. On the contrary, he is always tolerant of the religious views of others. He has never sought office, and yet there is no public office, even to the highest, that he would not be well qualified to fill. Had his mind and inclination run in that direction, he would certainly have achieved a great national reputation."

WILLIAM E. SHERWOOD, Cleveland. William Edgar Sherwood was born at North Royalton, Cuyahoga county, October 2, 1850. His father was Orasmus Sherwood, a native of Genesee county, New York, and of English descent. The family for generations lived in New England; first in Connecticut and later at Bennington, Vermont, where his ancestors, notably Ethan Allen, of whom he was a direct descendant, took part in the contest concerning the boundary line between the colonies of New York and New Hampshire, just before the Revolutionary War. The mother of William E. Sherwood was Anne M. Cane, who was born at the Isle of Man, November 18, 1822. His early education was obtained at the public schools of Cleveland, later entering Western Reserve College at Hudson in the class of 1872. His legal studies were pursued at Columbia College Law School, in New York City, where he remained for two years. He was admitted to the Bar in 1874 and immediately located himself in the practice at Cleveland. He was from boyhood a devoted reader and student, his favorite subjects being history, political economy and political science. He possessed an unusually logical mind even for a lawyer, which, combined with some combativeness of disposition, made him an aggressive and forceful debater, at times almost overwhelming his antagonist by his intellectual power. His active interest in politics began almost with his entering upon the practice of the law and he soon became prominent in public affairs. In 1876 and 1877 he was a member of the city council. About this time he formed a partnership with the Honorable H. J. Caldwell, now one of the judges of the Circuit Court; but the association was dissolved by Judge Sherwood's becoming clerk to the mayor. He was appointed clerk of the board of improvements July 1, 1878, and held the office until July 15, 1881. He then became assistant city solicitor and continued as such until January, 1886. He then formed a partnership with Amos Dennison, which continued until 1889, when Judge Sherwood was elected to the Common Pleas Bench. Before his



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nomination to the Republican County Convention he was declared the unanimous choice of a non-partisan meeting of the lawyers of Cuyahoga county for the judicial office. No higher compliment could be given to a lawyer; it came to him from those who were the best judges of his ability, his integrity and his impartiality. He was elected a year in advance of the opening of his term; but was appointed January, 1890, for the residue of the term of Judge William B. Sanders, resigned. Judge Sherwood was a recognized authority upon municipal law. He had made it a special study, besides having become practically familiar with the subject while assistant city solicitor, where he took the lead in trying city cases. He showed marked ability in drawing bills for legislative enactment. Such was his standing in this regard that he was chosen with Judge Blandin to draw the original bill for providing an improved form of city government, known as the "Federal Plan," which passed the State legislature March 16, 1891. Judge Sherwood worked long and laboriously on the bill, which will remain a lasting monument to his legislative capacity as well as to his thorough knowledge of municipal laws. He was married October 8, 1874, to Mary Hall, of North Royalton, and three children born of the union survive: William Edgar, Anna and Mary, the eldest of whom is about nineteen years of age. They all reside in Cleveland. Judge Sherwood was stricken with appendicitis in the very vigor of his intellectual and physical manhood, and, after an illness of hardly more than ten days, died on the 22nd of September, 1892. By what he had proved himself to be he gave promise of what he could become, and those who knew him never doubted the utmost fulfillment of the promise, had his life been spared. Mrs. Sherwood died December 16, 1896.

WILLIAM S. KERRUISH, Cleveland. William S. Kerruish, although born in Ohio, is a real Manxman. Probably no man living speaks, writes and understands more perfectly than he the Gaelic language. He was born at Warrenville, Cuyahoga county, on the 13th day of October, 1831. His father, William Kerruish, and his mother, Jane Kelley, were natives of the Isle of Man, and came to the United States in 1827, settling in Cuyahoga county, Ohio. The father was a farmer and a most estimable, highly respected citizen. Young Kerruish's early education was obtained in the district schools of the county. At sixteen years of age he entered Twinsburg Institute, where he spent four years preparing for college. He then entered Western Reserve College, remaining there through his junior year. In 1854 he entered the senior class at Yale, graduating with honors in the class of 1855. At college he especially excelled in languages. Upon leaving Yale he taught the languages for a year at the Twinsburg Institute. During this time his name was entered as a law student in the office of Ranney, Backus & Noble. Upon retiring from teaching he at once entered this office and was admitted to practice in 1858. After admission to the Bar he remained with his preceptors a

short time, then opened an office and practiced alone until his first partnership was formed under the style of Hays & Kerruish. This firm lasted only about a year, when he formed a partnership with William Heisley, under the firm name of Kerruish & Heisley. This partnership continued until 1865. From that time until 1880 Mr. Kerruish practiced alone. In the latter year he formed a partnership with George T. Chapman, under the firm name of Kerruish & Chapman. His son, S. Q. Kerruish, also a graduate of Yale, is now the junior member of the firm, the style being Kerruish, Chapman & Kerruish. The practice of the firm has been general in scope and character. Now, however, Mr. Kerruish, the senior member, is engaged almost entirely with important litigated cases. He has always been a great student of the law and has acquired a thorough knowledge of its principles. His natural abilities are large and he is very successful in the conduct of litigation. Quick in his apprehension of the points of law and the relevancy of testimony, terse and clear in argument, he is a formidable adversary at the trial table. With a persuasiveness of manner that is almost irresistible and a forcefulness of style that is convincing, he usually brings the jury to his own view of a case. There are few lawyers at the Cleveland Bar to-day who enjoy as large and lucrative a practice as Mr. Kerruish. Outside of his profession he has always devoted much time to the study of languages. In addition to the Gaelic language he speaks German, has considerable knowledge of French and Italian, and has been a life-long student of Greek and Latin. Some years ago, while he was in Italy, he visited near Rome a church where it is claimed they have a stone bearing the footprint of Christ. Wishing to see it he addressed a priest first in English, then in German, only to be met with a shrug of the shoulders. He then spoke to him in Latin, and at once received prompt attention and was shown the stone. After this conversation was carried on between them, he speaking in Latin and the priest replying in Italian. He reads Greek and Latin—especially Latin—as others read novels, and no doubt finds as much pleasure and recreation in his reading as the maiden does from the poems of Tom Moore, Burns and Byron. Mr. Kerruish is a member of the Philological Association of the United States, and in 1880, when the association met in Cleveland, he read a paper on the Gaelic languages, which was afterwards published in the proceedings of the association and received much favorable comment both in this country and in Europe. This paper was prepared at the request of Professor Lanman, of Harvard University. He has written various articles for magazines at home and abroad, and his correspondence has been extensive on the subject of Gaelic and Celtic languages. Mr. Kerruish has a host of friends and admirers in the community. He is a man of the highest moral character, possessing a true sense of justice. Straightforward and square in his dealings he has the respect and confidence of all who know him. In politics he is a Republican, but liberal in his views. He has never sought or held political office. In 1859 he married Margaret Quayle, also a native of the Isle of Man, and by this union seven children have been born—two sons and five daughters, all living.

HARVEY RICE, Cleveland. For nearly seventy years the life of the subject of this memoir was intimately related to the civic and social life of Cleveland, and to the progress and well-being of the State. He was born on his father's farm at Conway, Massachusetts, June 11, 1800, the son of Stephen Rice and Lucy Baker, his wife. He was a lineal descendent from Edmund Rice, who emigrated from Barkhamsted, England, with his family and settled at Sudbury, Massachusetts, in 1638. His mother died when he was four years old and he remained with his father at work on the farm until he reached the age of seventeen, when he began in earnest to acquire a thorough education. His studies were pursued with diligence, and in 1824 he was graduated from Williams College. In the same year he made the trip westward by the stage coach, Erie Canal and Lake Erie, arriving in Cleveland with three dollars in his pocket. His capital consisted of a robust, healthy constitution, a vigorous mind, whose faculties were admirably assembled and adjusted for the most effective use; a moral character strong in its integrity, and aspiration to the best and noblest things in life. Many years afterwards he spoke of his landing at midnight on the wharf at Cleveland and carrying his trunk in the dark to a lodging place. He was armed with no other weapon than a letter of introduction to a leading citizen, a college diploma printed in Latin affixing to his name the title of A. B. He says further: "With these instrumentalities I succeeded the second day after my arrival in securing the position of classical teacher and principal of the Cleveland Academy." At the same time he became a student of law during leisure hours under the instruction of Judge Reuben Wood. In the spring of 1826 he resigned from the school and continued his legal studies at Cincinnati under Bellamy Storer. Upon his admission to the Bar he returned to Cleveland and practiced with Judge Wood until the latter was elected to the Supreme Bench in 1830. In 1829 Mr. Rice was elected justice of the peace. The next year he was elected to the legislature and served on the joint committee to revise the statutes. It was the first revision. Some of the most important provisions were drawn by Mr. Rice and incorporated in the statutes. While in the legislature he was appointed agent to sell the Western Reserve school lands, consisting of 56,000 acres, located in the counties of Tuscarawas and Holmes. For convenience he opened an office at Millersburg and disposed of the land in three years, turning in nearly \$150,000, which became a fund, the interest of which is devoted to the schools of the Western Reserve. In 1833 he returned to Cleveland and was appointed clerk of the Common Pleas and Superior courts of Cuyahoga county, which he held for seven years. In 1834, and again in 1836, he was the Democratic candidate for Congress, but as his party was hopelessly in the minority he was both times defeated. Mr. Rice was elected to the State Senate in 1851 as the first Democratic Senator chosen in the county (and only two have been elected since). He was a prominent and useful member of the joint committee to revise the statutes in conformity with the new Constitution, his former experience at revision making his service in this position invaluable. He was also influential in the legislation providing

for two asylums for the insane, and took a leading part in the discussion of the reform of juvenile offenders, which led to the provision of a subsequent session for the State Reform School at Lancaster, in accordance with his views. As chairman of the committee on schools he achieved his greatest distinction and most permanent fame. His work was such that history attributes to him the honor of being the founder of the common school system of the State. The Senate journals furnish the record of his advocacy of the cause—his authorship of the bill, his report in its favor and his effective support of it on the floor and its final passage by the vote of twenty-two in favor to only two against. His vigilance did not sleep until the house also passed the bill pledging the State to a wise and generous provision for the liberal education of her children. In closing his argument and appeal he said :

“By the provisions of this bill it is intended to make our common schools what they ought to be, the colleges of the people—cheap enough for the poorest and good enough for the richest. With but slight increase of taxation, schools of different grades can be established and maintained in any township in the State and the sons and daughters of our farmers and mechanics have an opportunity of acquiring a finished education, equal with the more favored of the land. * * * Philosophers and sages will abound everywhere, on the farm and in the workshops, and many a man of genius will stand among the masses and exhibit a brilliancy of intellect which will be recognized in the circling years of the future as a light, a landmark on the cliffs of time. * * * Though I would not break down the aristocracy of knowledge of the present age, yet I would level up and equalize and thus create, if I may be allowed the expression, a democracy of knowledge. In this way, and in this way only, can men be made equal in fact, equal in their social and political relations, equal in mental refinement, and in a just appreciation of what constitutes man the brother of his fellow man.”

Mr. Rice was elected in 1857 to the city council of Cleveland. There he took the lead in establishing a home of refuge, which was discontinued but a few years ago. He was author of the resolution in the council which resulted in the erection of the monument to Commodore Perry, and was made chairman of the committee appointed to carry it into effect. In 1861 he was president of the board of education and in 1871 was a member of the first board of directors of the Cleveland Workhouse and House of Correction. Mr. Rice was appointed in 1862 a commissioner of the War Department to conduct the first draft of soldiers. While in discharge of his duty his office was besieged one morning by a mob of some five hundred angry and excited men, who brandished weapons and were intent upon the destruction of the record of the draft, having gained the idea that it was unfair. Mr. Rice did not flinch, but faced the mob until the military could be called out, when a “demonstration in force” quieted the turbulent crowd. He demanded that a committee of the dissatisfied be appointed to investigate, which being done, he soon convinced them that the draft had been properly and fairly conducted. Mr. Rice was of a deeply religious nature, and on the grounds of Williams College he erected, in 1867, at his own expense, a monument as an expression of regard to the cause of foreign missions. The monument stands on the



Andrew Spence

spot where, in the midst of a storm, Samuel J. Mills suggested to four of his companions in 1806 the thought which led to the organization of the American Board of Foreign Missions. He was one of the organizers of the Early Settlers' Association of Cuyahoga county, Ohio, and was its first president, an office he held until his death. Although Mr. Rice did not begin his literary labors until 1869 he gained an enviable reputation in that field of work. He was a voluminous, versatile writer, in poetry and prose, on subjects scientific, historical, descriptive, sentimental. In 1871 Williams College conferred upon him the honorary degree of Doctor of Laws. He died November 7, 1891, a painless, peaceful death. In 1840 Mr. Rice married Emma Maria Wood, who died in 1889. Two sons survive, Harvey and Percy W., both residents of Cleveland.

ANDREW SQUIRE, Cleveland. Andrew Squire was born at Mantua, Portage county, Ohio, on the 21st day of October, 1850. He is the son of Andrew Jackson Squire and Martha Wilmot, both of whom are natives of the State. His paternal ancestors were among the early English settlers of New England, and the family seat was for many generations in Berkshire county, Massachusetts. His father, born two years after the settlement of the family in Ohio, now retired at the ripe age of eighty-two, was a very successful physician with a large practice for many years. His mother belonged to an old New England family, whose home was long in Connecticut. Andrew commenced his education in the district schools in his native town, but in 1861, at the age of eleven, he entered the Western Reserve Eclectic Institution at Hiram (afterwards Hiram College). In 1863 his family removed to Hiram, and he remained at the school, with occasional breaks, until 1872, when he graduated. Coming to Cleveland at once, he entered the office of Cadwell & Marvin and commenced the study of law, and on December 3, 1873, was admitted to the Bar. In January, 1874, he formed a partnership with A. J. Marvin—Judge Cadwell having been elected to the Bench—the firm being Marvin & Squire. In 1876 Alphonso Hart, who was lieutenant-governor of the State, became a member of the firm, under the name of Marvin, Hart & Squire. In 1878 Mr. Squire retired from this firm and formed a partnership with E. J. Estep, under the firm name of Estep & Squire. In 1882 Judge M. R. Dickey joined them, and the firm became Estep, Dickey & Squire, and so continued until 1890, when Mr. Squire withdrew. Judge William B. Sanders retired from the Bench, and with James H. Dempsey (who had been a partner in the firm of Estep, Dickey & Squire) established the present firm of Squire, Sanders & Dempsey. This is acknowledged by the Bar to be a most excellent combination, all being men of exceptional ability. Mr. Squire's standing as a man and lawyer is unexcelled in this section of the State. "Gentle by nature, kind and considerate in his family," is the verdict of those who are in a position to judge the man in his domestic life. Possessed of unusual common sense, superior judgment, and a thorough training in the law, and being a good judge of men, he is admirably

qualified to be at the head of one of the ablest law firms of the city, and one that enjoys a large practice. He cannot by any means be classed as a case lawyer. While he conducts a trial with skill, it is in presenting the principles of the law involved in the cause that his clearness, force and ability are most observed. He is a safe counsellor, and his advice is much sought. In the formulating of methods and plans in business he has been most successful, and by his advice and counsel in this direction he probably has contributed as much as any other lawyer at the Bar to the advancement of the great commercial interests of the city of Cleveland. The business of the firm can be classed as a general civil practice, but they have a very large and lucrative corporation practice. Mr. Squire is a Republican, always taking an active interest in political affairs, but his professional work has been so continuous and exacting he has not had time to be much of a worker. However, he was a delegate to the Republican National Convention which met in St. Louis and nominated Mr. McKinley. Mr. Squire has been twice married. In 1873 he married Miss Ella Mott, of Hiram, Ohio, and by this union there were two children, a daughter, who died, and a son, Carl A., still living. After the death of his first wife he was married again, in 1896, to Mrs. Eleanor Seymour Sea, whose father, Mr. Belden Seymour, for many years prior to his death had been his friend.

FRANK E. DELLENBAUGH, Cleveland. Honorable Frank E. Dellenbaugh is judge of the third subdivision of the Fourth Judicial District of the Court of Common Pleas, Cuyahoga county. He was born at North Georgetown, Columbiana county, Ohio, on the 2d day of October, 1855. His father, C. W. Dellenbaugh, a native of Ohio and a physician, was prominent in his profession and highly respected at his home. His grandfather, also a physician very eminent in his day, was a native of Switzerland and came to America in the early part of the present century, settling in Ohio. His mother, Sarah A. Everett, was also a native of Ohio, of English ancestry. When Frank was less than a year old the family moved to Cleveland, and his early education was received in the district schools and the Cleveland Academy. Afterwards he entered the Western Reserve College, but owing to ill health he was compelled to leave before completing his collegiate course, and for two years he had a private tutor. In 1875 he entered the law department of the University of Pennsylvania, where he remained one year and until he was appointed by President Hayes inspector in the department of finance of the Centennial Exposition, which position he filled from May 1, 1876, to November 29 of the same year. Returning to Cleveland in December, 1876, he entered the law office of his uncle, Charles D. Everett, Esquire, and continued the study of law. In 1877 the Ohio State Union Law College conferred upon him the honorary degree of Bachelor of Laws, and on the 21st of March, 1877, he was admitted to practice in the State courts, and on the same day one year later he was admitted to the Federal Courts. Commencing the practice of his pro-

fession he remained alone for about one year, when he formed a partnership with Albert H. Weed, under the firm name of Weed & Dellenbaugh. This partnership continued about two years when he withdrew to form a partnership with his uncle, Charles D. Everett, under the firm name of Everett & Dellenbaugh. In about two years the firm was enlarged by taking in his first partner, Mr. Weed, and so continued until 1895, when President McKinley, then Governor of Ohio, appointed Mr. Dellenbaugh judge of the Court of Common Pleas to fill the unexpired term of Judge John C. Hutchins, who resigned to accept the postmastership of the city of Cleveland, to which position he had been appointed by President Cleveland. Mr. Dellenbaugh gave up a large practice to accept the judgeship. He had been a most successful practitioner. Coming upon the Bench he brought with him and applied business methods, and very soon demonstrated the wisdom of Governor McKinley in making the appointment of so young a man. So efficiently had he discharged his duties that six months after his appointment he was the unanimous choice of the Republican party for the nomination for a full judicial term of five years, and without any effort on his part defeated Judge Noble, the Democratic candidate, by nearly six thousand majority, and in the spring of 1897 entered upon his judicial service for the full term. Judge Dellenbaugh is a close student, possessed of strong will-power, high moral character and great industry. He is evenly balanced and well grounded in the principles of the law. His judicial career is very bright and promising. Judge Dellenbaugh has always been in politics a Republican, taking a most active part in political matters, but never held elective office until he accepted his present position, and even this came unsought, for he was not a candidate. He is a speaker of more than average ability. When the St. Louis convention nominated Governor McKinley for the Presidency he immediately offered his services as a speaker to the Republican National Committee. His offer was gladly accepted and he was sent first into the Northwest, where he made many speeches, closing the campaign in his native State. Judge Dellenbaugh is a Mason and a member of all the leading social clubs of Cleveland. Having a most genial and affable manner he has as large a circle of friends and admirers as any lawyer in Cleveland.

JAMES LAWRENCE, Cleveland. James Lawrence was born in Guernsey county, Ohio, on the 15th of January, 1851. His father in his younger days was a merchant, but always took a great interest in affairs relating to the public good. He was a member of the Constitutional Convention of 1851, once a member of the Ohio House of Representatives, three times a member of the Ohio Senate, and a member of Congress from 1857 to 1859, during Buchanan's administration. He was of Scotch-Irish descent. The great-grandfather of James came to this country toward the close of our Revolutionary War, somewhere about 1783, and settled in Maryland, his grandfather being born at Havre de Grace, Maryland. The family removed to Washington county,

Pennsylvania, coming to Ohio about 1810, where his father was born. His mother, Margaret E. Ramsey, was of Scotch descent, her ancestors coming to this country at an earlier date than those on the paternal side, and settling in Pennsylvania. The larger part of his mother's early life was spent in Virginia with relatives. The early education of James was in the public schools and afterwards at the academy. He entered Kenyon College in 1868, in the sophomore class, taking his degree of Bachelor of Arts in 1871. Having when quite a boy determined upon the law as his profession he immediately took up the study of law with the Honorable J. W. White, at Cambridge, Ohio, remaining with him for three years, and in 1874 was admitted to the Bar. He immediately removed to Cleveland and entered the office of G. H. Foster. After a time he became a partner of Mr. Foster, remaining with him until 1893, when the partnership was dissolved. The firm at the present time is Lawrence & Estep. During the administration of Honorable George Hoadly as governor of Ohio, for the years 1884 and 1885, Mr. Lawrence was the attorney-general of the State. He was corporation counsel for the city of Cleveland from 1893 to 1895. Mr. Lawrence is considered by the Bar to be a good all around lawyer, a close student devoting great care to the preparation of his cases. He possesses a keen sense of justice and honor and has the confidence and respect of both the profession and the public. In politics he has always been a Democrat, taking an active interest in all matters affecting his party. In 1888 he married Jennie Gardner Porter, and by this union has three children, one boy and two girls, all living.

JAMES M. JONES, Cleveland. James Milton Jones first saw light in England, having been born in Herefordshire, near the ancient Roman walled city of Hay, in the beautiful valley of the river Wye, and in the shadow of the battlements of Clifford Castle, famed for its romantic legends of Henry II. and Fair Rosamond. He was the third son of Thomas and Mary Jones, and was brought by his parents to Cleveland in his infancy, in 1831, when the city was but a village. The family consisted of thirteen children, six sons and seven daughters. It was a family noted for its eminently social characteristics, for the public talent of its sons and the bright and cheerful personality of its daughters. The status of the sons among men is manifest. The eldest, Thomas Jones, Jr., was United States collector of internal revenue and postmaster at Cleveland; James M. was twelve years on the Superior Court and Common Pleas Bench; John P. is United States Senator for Nevada, now serving his third term; Samuel L. is superintendent of Crown Point Mine, Nevada, and Frederick was at one time head of the coining department of the United States mint, New Orleans, Louisiana. The father, for more than forty years a prominent and enterprising citizen of Cleveland, is now dead. The venerable and beloved mother died at the age of ninety, in the home of her son, Senator Jones, at Gold Hill, Nevada, in 1893. It is mainly in the legal and judicial character of Judge Jones that this sketch is written—phenomenal suc-



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James M. Jones

cess coupled with judicial eminence. With the requisite professional preparation he came to the Bar in 1855, and probably but few lawyers immediately acquired so profitable a clientage. Shortly after his admission to the Bar he was retained as leading counsel for the defense of the famous "Townsend-McHenry" extradition case, a proceeding pending before the United States commissioner, on the charge that the prisoner who claimed to be Robert McHenry was no other than the notorious William Townsend, a well known desperate Canadian highway robber and murderer. It was a long hearing and several successive lots of witnesses had to be brought from Canada before they could make a case. The prisoner was, however, extradited and ultimately put upon his trial for murder, as William Townsend, the sole question on trial being one of identity. About one hundred witnesses testified to his being Townsend, but he was nevertheless able to produce a large number of witnesses to testify that they knew Townsend and this was not the man. He was acquitted. For public notoriety and identity of issue it has hardly been surpassed by the Tichborn case. It was in this case that Mr. Jones first attracted public attention for his skill in the cross-examination of witnesses and the forcible style of his advocacy, which at once brought him to the front. This early manifestation of legal accomplishments led very directly to his appointment as attorney for the Western Union Telegraph Company, a relationship which he for many years sustained. Having supervision of a large and peculiar legal business for this company, extending over various States and Territories covered by its lines, he made telegraph law a specialty for some years, and his experience in that new branch of the law is probably unsurpassed by any other lawyer. In 1867 he was elected prosecuting attorney for Cuyahoga county. In 1873 he was elected one of the three judges of the Superior Court, having the rare compliment of a nomination by two political conventions. He served until July, 1875, when the judicial system was changed and he was transferred by election to the Court of Common Pleas for the full term of five years. At the end of his term in 1880 he resumed the practice of law, with a largely increased clientage. One year thereafter he was elected, by the largest majorities ever given a judge in the county, to succeed the Honorable Samuel B. Prentiss, who voluntarily retired, having served fifteen years. Judge Jones resumed the Bench in February, 1882. His last judicial term was a season of unprecedented litigation, often involving millions in a single case, and requiring not infrequently the elucidation and administration of municipal, commercial and railroad corporation law, and it is sufficiently specific and expressive to remark that in his entire judicial service Judge Jones proved equal to every occasion. Finally, in 1887, Judge Jones stepped from the Common Pleas Bench into a large and paying practice, and has since been identified with many of the most important cases brought before the courts in the northeast section of Ohio. In the investigation and preparation of his cases and in the trial thereof the peculiar genius, skill and vigor, and the convincing presentation of the facts and law applicable thereto, have won for him pre-eminent professional distinction. Not only for his legal and judicial eminence is he

recognized, but for his social and business qualifications. He is a director of the Citizens Loan and Savings Association, was once president of the German-American Savings Bank Company, trustee of the Kelley Fund for the Art Gallery and School in Cleveland, and for considerable time was the president of the Cleveland Bar Association. In 1894 he secured the passage of a law doing away with jury trials in a certain class of commercial cases. Judge Jones has been singularly blessed and made happy in his domestic relations. In 1860 he married the most excellent and accomplished Miss Ermina Barrows. Three bright, lovely and accomplished daughters, the fruit of this union, lend charm and grace to their lovely home.

ALPHONSO TAFT, Cincinnati. Honorable Alphonso Taft was born at Townsend, Vermont, November 5, 1810, the only son of Peter Rawson Taft and Sylvia Howard Taft. His grand parents, both on his father's and his mother's side, emigrated from Vermont to Worcester county, Massachusetts, the families being originally from England. One of his ancestors, Edward Rawson, came to Newbury, Massachusetts in 1636. He was a man of very high standing, holding for thirty-five years the position of secretary of the province of Massachusetts. Judge Taft's father was reared as a farmer, but subsequently studied and practiced law. He served a number of years in the Vermont legislature, and also as judge of the Probate and Circuit Court of Windham county, Vermont. Alphonso Taft was brought up as a farmer, and attended the neighboring country schools until he was sixteen years of age. He taught school during the winter and earned money to pay his tuition at Amherst Academy. His summers were largely spent at work upon his father's farm. After several years of hard work he entered Yale College in his nineteenth year, and graduated with high honor from that institution in the class of 1837. After graduating he taught for two years in the high schools at Ellington, and for two years later held the position of tutor at Yale. He attended the Yale law school, from which he graduated in 1838, being admitted to the Bar in the State of Connecticut at that time. After visiting a number of the western States, he finally settled in Cincinnati in 1839, where he began the practice of the law. His first associate was Judge Thomas Key, who entered his office in 1842, and became judge of the Commercial Court in 1849. Subsequently, Mr. Taft was associated with Judge Patrick Mallon, Honorable William M. Dickson, Honorable Aaron F. Perry and Honorable George R. Sage. Later he was associated with Major H. P. Lloyd, and with his sons, Judge William H., Charles P., Peter R. and Horace D. Taft. Although Judge Taft was an entire stranger at the time he entered upon the practice of his profession in Cincinnati, he eventually obtained a very large practice, appearing in some of the largest cases brought in the State. A well-known case was one involving the will of Charles McMicken, by which property valued at over one-half million of dollars was devised to the city of Cin-

cinnati to found a university for the free education of the youth of the city. Mr. Taft was of counsel defending the will. The case was tried before Justice McLean, of the Circuit Court, and the will was sustained. Subsequently, the case was carried to the Supreme Court of the United States where again the will was sustained. The justice in delivering the opinion of the court paid a very high compliment to the brief of Mr. Taft, which was a complete compendium of the law on the subject of religious and eleemosynary trusts in wills. Another important case in which Judge Taft appeared as counsel was a suit involving the issue of two million dollars in bonds for the completion of the Cincinnati Southern Railroad, in which Judge Taft was retained by the trustees of the railroad to defend the constitutionality of the bill. He was also successful in this suit, which was carried to the Supreme Court of Ohio. During his earlier residence in Cincinnati he was a member of the city council, where he favored the extending of the city limits north from Liberty street to what is now known as McMillan street. He was one of the incorporators of the Ohio & Mississippi Railroad, and acted as its counsel for many years. He was also a member of the first board of trustees of the Cincinnati & Marietta Railroad, as well as a director for many years of the Little Miami Railroad. He was strongly interested in the subject of railroads, and delivered before the Mercantile Library Association an address on railroads, in which he showed the importance to the city of having a large number of railroads. He believed that Cincinnati, Baltimore and St. Louis should be joined by railroads, which should form the main avenue of communication between the East and the West, very much as is now accomplished by the Baltimore and Ohio system. He favored strongly the building of the Cincinnati Southern Railroad. As one of the judges of the Superior Court the question of the validity of the Act authorizing the first issue of bonds was before him. He delivered the opinion of the court sustaining the constitutionality of the act. He was one of the court at the time of the appointment by the court of the first board of trustees of the Southern Railroad, and upon his retirement from the Bench he was himself appointed a trustee in 1875. This office he resigned upon being called into the cabinet, but upon his return to the practice of the law he was retained as counsel to defend the two-million dollar issue of bonds which enabled the final completion of the road. He was first president of the Mount Auburn Street Railway, which was the pioneer in the way of street railways connecting the city with the suburbs. He took a great interest in the founding of the House of Refuge, and delivered the opening address upon the completion of that institution. Mr. Taft during his whole life was much interested in politics, but took no prominent part until 1856, when he was a member of the convention which nominated John C. Fremont for President. In that year he was a candidate for Congress in the First Ohio District against George H. Pendleton, by whom he was defeated. In 1864 he was tendered an appointment to fill a vacancy in the judgeship of the Superior Court of Cincinnati, but declined the honor. In 1865, however, he accepted the position made vacant by the resignation of Judge

George Hoadly, and the following year was elected to the position for the full term, and again in 1869, receiving at that time the unusual honor of the unanimous vote of both political parties. He resigned in 1873 and resumed the practice of the law in partnership with his two sons, Charles and Peter. During his term on the Bench he delivered a great number of opinions, which are considered among the very best among the records of the court. The best known case perhaps which came before him was the so-called Bible case, in which suit was brought to enjoin the school board of Cincinnati from striking out of the rules governing the public schools the provision for the reading of the Bible in the opening exercises of the school. Judges Storer and Hagans, constituting a majority of the court, granted the injunction, but Judge Taft dissented. The case was taken to the Supreme Court, which unanimously reversed the decision of the court below and sustained the opinion of Judge Taft. In 1875 Judge Taft was a candidate before the Republican convention which nominated Rutherford B. Hayes for governor, and again in 1879 he was a candidate against Charles Foster and was defeated, in the latter instance; by but seven votes. One of the arguments used against him in each of these cases was the Bible decision, which, though affirmed unanimously by the Supreme Court, prejudiced him in the minds of those of his party who differed with him upon that question. On March 7, 1876, President Grant appointed Judge Taft secretary of war to succeed General Belknap. After three months in this position he was appointed attorney-general of the United States, succeeding Edwards Pierpont, which position he held until the close of President Grant's administration. At that time he returned to Cincinnati to the practice of the law, and associated with Major H. P. Lloyd. In April, 1882, President Arthur appointed Judge Taft United States minister to Austria, where he resided for several years at Vienna with his wife and daughter. In the summer of 1884 he was appointed by President Arthur United States minister to Russia. He remained in St. Petersburg until the fall of 1885, when he returned to Cincinnati, and resumed once more the practice of the law. In 1889 his health became so poor that he was obliged to go to San Diego, California, where he remained for two years, dying May 30, 1891, in the eighty-first year of his age. Judge Taft during his life-time took a great interest in the cause of education, and was one of the original trustees of the Woodward fund, and for more than twenty years a member of the Union Board of High Schools. His sons he caused to be educated at Yale College, from which he himself received the degree of LL. D. in 1867. In 1873 he was elected one of the corporation of Yale College, and was re-elected for a subsequent term of six years, at the end of which time he refused another election, for the reason of his appointment to Austria. He married for his first wife Miss Fannie Phelps, of Townsend, Vermont, in the year 1841, who died in 1852, leaving two sons, Charles Phelps and Peter Rawson. In 1854 he married Miss Louise M. Torrey, of Millbury, Massachusetts, who, with four children, William Howard, Henry W., Horace D. and Fannie Louise, survives him.



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WILLIAM H. TAFT, Cincinnati. William Howard Taft was born in Cincinnati, Ohio, September, 15, 1857. He was a son of Alphonso Taft and Louise M. Torrey, of Millbury, Massachusetts. He prepared himself for college in the public schools of Cincinnati, graduating from Woodward High School. He entered Yale University in 1874 and graduated from that institution in 1878, the second in his class. He delivered the salutatory oration at commencement, and was selected by his class to deliver the class oration during commencement week. Upon his return to Cincinnati he studied law in his father's office and in the Law School of the Cincinnati College, from which he graduated in 1880, securing first prize for the year. He was admitted to the Bar at Columbus in 1880 and became the law reporter of the *Cincinnati Commercial*, which position he held until January 1881, when he was appointed assistant prosecutor of Hamilton county, Ohio. This position he held until March, 1882, when President Arthur appointed him collector of internal revenue at Cincinnati. He resigned this position in the same year and in January of the following year became a law partner of Major H. P. Lloyd. In March, 1887, he was appointed by Governor Foraker to fill a vacancy in the position of judge of the Superior Court of Cincinnati, caused by the resignation of the Honorable Judson Harmon. During the time he was engaged in the practice of law with Major Lloyd he also held the position of assistant county solicitor under Honorable Rufus B. Smith. At the expiration of the term for which Judge Taft had been appointed by Governor Foraker in 1888, he was elected judge of the Superior Court for the full term of five years. In January, 1890, while holding this position, he was appointed by President Harrison to be solicitor general of the United States, and he entered upon his new position in February, 1890. During his three years' occupancy of the Superior Court Bench, Judge Taft heard and decided a number of cases which, in importance, ranked among the highest tried by that famous court. At Washington he represented the United States government before the Supreme Court in a great number of important cases. His briefs were always carefully prepared and one of them which related to one of the Behring Sea cases won high commendation from the court. After a little more than two years' service as solicitor general he resigned to accept the appointment of the position of United States Circuit Judge for the Sixth Circuit, which was tendered him by President Harrison. He took the oath of office as a judge March 17, 1890. His associate at that time on the Bench of the newly created court was Howell E. Jackson, and upon the appointment of Judge Jackson to be Justice of the Supreme Court of the United States, Judge Taft became the senior judge of the Circuit and presiding judge of the Circuit Court of Appeals. This circuit includes four States—Michigan, Ohio, Kentucky and Tennessee. The business of the court since its establishment has been of very great importance and has included many cases of interest to the public at large. Judge Taft's decisions have made him a reputation as a judge of the first rank throughout the country. In the fall of 1896 Judge Taft with others organized the Law School of the Cincinnati University with which was incorporated, the follow-

ing year, the Law School of the old Cincinnati College. Of this institution Judge Taft has been the dean since its organization. In June, 1897, he received the honorary degree of LL. D. from Yale University. In June, 1886, he married Miss Helen Herron, daughter of Honorable John W. Herron, of Cincinnati.

CHANNING RICHARDS, Cincinnati. Honorable Channing Richards, a leading member of the Cincinnati Bar, is descended from patriotic ancestry through both his paternal and maternal lineage. He is of the eighth generation from John Richards, who emigrated from Wales and settled at Plymouth before 1637. His grandfather, Guy Richards, was a brother of Captain Peter Richards, one of the patriots killed at Fort Griswold, near New London, when it was captured by the English under the leadership of Benedict Arnold in 1781. His father, a native of New London, Connecticut, located in Cincinnati about 1832 and engaged in merchandising; was at one time secretary of the chamber of commerce, and lived until 1869. His mother, Lydia Williamson before her marriage, the granddaughter of General Elias Dayton, an officer on General Washington's staff, was born in Elizabeth, New Jersey, and died in her Ohio home in 1850. Channing Richards, the lawyer, was born in Cincinnati February 21, 1838. He was prepared for college in Brooks Academy, entered Yale in 1854 and was graduated in 1858. He was graduated from the Cincinnati Law School the following year and began the practice, which was soon interrupted by his entrance into the military service. He enlisted under the first call for volunteers, April, 1861, in the Sixth Ohio Infantry; served in the West Virginia campaign six months, when he returned home and accepted appointment as second lieutenant on the staff of General M. S. Wade, commandant at Camp Dennison. In January, 1862, he went to the front as first lieutenant in the Twenty-second Ohio Infantry, and a month later was promoted to the captaincy of the company. His service thenceforward was in the Army of the Tennessee until the close of the war, with the rank of captain. He participated with his command in numerous battles, among which were the early engagements at Laurel Hill and Carrick's Ford in West Virginia, Forts Henry and Donelson, Shiloh and Corinth and Vicksburg. After the surrender of that western stronghold to the Union forces, Captain Richards was assigned to duty at Memphis, Tennessee, serving as provost marshal, judge advocate and military mayor of the city until the rebellion was finally suppressed. He remained there engaged in the practice of law until 1871, when he returned to Cincinnati and formed a partnership with William Stanton. This was continued until October, 1872, when he was appointed assistant United States district attorney. In 1877 he was appointed United States district attorney by President Grant, and reappointed to the same office in 1881 by President Hayes. After service of five years as the assistant he was well qualified for the larger responsibility of chief. For eight years succeeding 1877 he conducted the legal controversies in behalf of the



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Rufus B. Smith

United States for southern Ohio with ability and zeal, protected the interests of the government and rendered complete satisfaction to the several administrations with which he was officially connected, as well as individuals whose interests were involved. After the expiration of his second term, in 1885, Mr. Richards formed a partnership with the late Rufus King and Mr. Samuel J. Thompson, which was dissolved by the death of Mr. King. The firm as now constituted is Thompson, Richards & Richards. Since 1888 he has been the professor of commercial law and contracts in the law school of the Cincinnati College. His practice has been confined almost exclusively to civil business, and very largely to commercial cases. His distinctive ability is recognized by his most eminent and successful associates, who unhesitatingly accord to him high rank at the Bar. He possesses large mental capacity with a genius for analysis and the orderly arrangement of details. His argument is always clear, concise, logical and scholarly, without evasion or sophistry; not only a very thorough exposition of the law applicable to the case under consideration, but impressed and re-enforced by his integrity of character, probity and uprightness of conduct, in the profession and in society. To the studious care with which his cases are prepared is added perfect loyalty to clients. An old practitioner in the State and Federal courts of Ohio, who knows Mr. Richards intimately, remarks: "As an associate or an adversary I always found him courteous and strong. Against him I knew that I could not rely for success upon any oversight or neglect of preparation on his part. I do not regard him as inferior in mental vigor to any member of our Bar." He is Republican in politics, rendering valuable support to the party by public speaking and active membership in the leading club of the city. His religious belief finds expression in the forms of the Episcopal Church, in which he has held membership since 1857. He has also been a member of the standing committee of the Diocese of Southern Ohio since its organization in 1875, and in 1895 was appointed chancellor of the diocese. Mr. Richards has cause to thank the military authority of the government for his assignment to duty at Memphis, as it resulted in a most fortunate partnership. He was married April 11, 1865, to Miss Hattie, daughter of P. P. Learned, a prominent business man of Memphis for many years. Seven children have been born of this union: Hattie L., born in 1866, died in 1872; Channing, born in 1870, now an attorney in Cincinnati; Paschal, born in 1872; Brayton, born in 1874; James, born in 1876; Bessie, born in 1878, died in 1891; and Virginia, born in 1887. Mr. Richards died September 12, 1896.

RUFUS B. SMITH. Rufus B. Smith, on the Bench of the Superior Court of Cincinnati, is a native of that city, born October 24, 1854. His father, Henry R. Smith, was for many years a prominent citizen and successful business man of the city; a man capable in affairs, as evidenced, not only by the management of his own private business, but also by his administration of the trustee-

ship of the Cincinnati Southern Railroad. Rufus B. obtained his primary education in the excellent public schools of his native city, continuing until he had reached the senior year of the high school course, when he prepared for the examination at Yale College under a private tutor. He was graduated from Yale in 1876 upon completion of the full classical course. Immediately thereafter he entered the Cincinnati Law School and pursued its regular course of study. He was fortunate in being received into the law office of the late Alphonso Taft, where he began the practice of the law. In 1880 he was appointed first assistant to the prosecuting attorney of the county, serving as such for almost a year. In 1885 he was elected to the office of county solicitor, and served a term of three years. In 1891 he was elected judge of the Superior Court for the unexpired portion of the term of Judge Noyes who died in office, and discharged his official duties so acceptably that he was re-elected in 1894 for the full term of five years. One of the best of the older lawyers of Southern Ohio says of him :

"Rufus B. Smith, as a judge of the Superior Court of Cincinnati, has acquired the respect of the profession for his sterling integrity, industry and fidelity in the discharge of his official duties. He has a clear, logical mind and that satisfaction in the work in which he is engaged that secures thoroughness of investigation and justifies the conclusion which he reaches. His opinions are characterized by their sound argument rather than their rhetorical finish. His judgments inspire confidence in their correctness; and the Supreme Court of Ohio has frequently affirmed them by referring to and adopting the reasoning of his opinions. As an illustration I would refer to his opinion in the case of the city of Cincinnati vs. the Cincinnati Inclined Plane Railway Company in the thirtieth Weekly Law Bulletin, page 321. The high estimation in which he is held by the legal profession, in view of his comparatively brief career at the Bar and upon the Bench, gives assurance that his ultimate place will be in the foremost rank of the lawyers of the State."

Another leading member of the Bar whose reputation is both State and National, says: "Judge Rufus B. Smith, of the Superior Court is one of the strongest men intellectually on the Bench in Ohio. He is a close, careful student, always at work and he never fails to do good work. He is not only able but thorough, and has the confidence and esteem of all who know him, not only as a lawyer and a judge but also as a gentleman and a citizen." He was married in 1886 to Miss Edith Harrison, daughter of L. B. Harrison, president of the First National Bank of Cincinnati. To them have been born four children. For a man who has not yet reached the meridian of life Judge Smith has attained unusual eminence in the profession and unusual distinction as a lawyer. His elevation is due in some degree to that combination of talents with which nature endows a man intended for the law; but it has not come without a struggle. His success has been achieved. Every contest has been earned. He was a hard student in school and his studious habit has accentuated every step in his progress as a lawyer. The power which he displays in mastering a new question is not due alone to superior intellectual force, but dependent in some degree upon his method of study and his capacity for the

concentration of his mental faculties in the investigation. He considers the question from different points of view as an entity, and by the skillful use of analysis and logic determines its relations to the known.

DAVID K. WATSON, Columbus. David Kemper Watson was born on a farm in Range township, near London, Madison county, Ohio, June 18, 1849. He was the youngest of seven children of Jesse and Margaret (Jones) Watson. David Watson, grandfather of the subject of this sketch, was a Virginian by birth, and in early life was a sailor and afterward a surveyor, in which latter occupation, while employed by the government, he selected for settlement lands in Madison county, Ohio. This property still remains in the possession of the Watson family. Mr. Watson's father was a successful farmer and later a banker at London. He died in 1871. He was a man of great energy and executive ability, a friend of progress and education, a loyal patriot, and uncompromising adherent to the cause of the Union in the War of the Rebellion. He contributed not only generously of his means to the cause of the Union, but four sons, all that were old enough to enter the army. He thoroughly appreciated the advantages of education, and his five sons were given every opportunity that schools and colleges could afford. The subject of this sketch attended the country schools of his district, and then prepared for college under the private tutorage of Rev. C. W. Findley, at London. In 1867, he entered Dickinson College, at Carlisle, Pennsylvania, from which institution he graduated in 1871. The fall of the same year he began the study of law, and in 1872 entered the Law School of Boston University, graduating in 1873 with the degree of LL. B. He was awarded the first prize for a thesis on the subject of "Caveat Emptor." He immediately began the practice of his profession at London, Ohio, where he remained for two years, when he sought a broader field of opportunity in the courts of Columbus, which has since been his residence. He has never formed any partnership alliances, but from his admission to the Bar (1873), equipped with superior education and mental training, and with natural ability and great fondness for his profession, he has been eminently successful. In 1881, he was appointed by President Arthur assistant United States district attorney for the southern district of Ohio, serving under Hon. Channing Richards. This position he held for four years. In 1887, the Republicans of the State recognizing Mr. Watson's qualifications for the office, nominated him at the Republican State Convention at Toledo, on the first ballot, against seven other candidates, for the office of attorney general. He took an active part in the campaign and contributed much to the election of the entire ticket. So ably and faithfully did he discharge the duties of his high office that at the close of his term he was renominated by the Republican State Convention by acclamation, and was again elected, receiving the largest vote cast for any candidate. He displayed marked ability and integrity and fearlessness in the discharge of his official

duties, being engaged in defending the State in many of the most important cases ever brought before the Supreme Court. Particularly was this true in the famous suit he brought against the Standard Oil Company, in which he petitioned the court to declare the charter of that company forfeited, on the ground that it had entered into and was a party to an illegal trust or combine, to prohibit competition in the production and sale of oil, and consequently to create a monopoly against law and public policy. This suit resulted in one of the greatest legal battles ever fought in the courts of Ohio, the Standard Oil Company having employed the best legal talent of the country to defend its interests. Mr. Watson won a conspicuous victory, the court dissolving the trust. It was the most important if not the first blow struck by the courts of this country at illegally organized and conducted corporate power. The case is fully reported in 49 Ohio St., 137. In 1893, Mr. Watson was appointed by President Harrison special counsel to conduct the suits brought by the United States government against the Pacific railroads. In 1894, he was nominated by acclamation by the Republicans of the Twelfth District of Ohio as their candidate for Congress. His opponent was Hon. Joseph H. Outhwaite, who for ten years had been the representative of the Democratic party in Congress from that district. Mr. Watson was elected by a handsome majority, being the first Republican elected to the National House of Representatives from his district for more than thirty years. In 1896 he was renominated by acclamation, and although the majority in the district against him, by reason of the fusion of the Populist and Democrat parties, was more than four thousand, he came within forty-nine votes of being elected. Mr. Watson's course in Congress was one of wise but unqualified support of the great measures of his party. He is a close and careful student of the great public questions of the day, thoroughly informed, and a clear and forceful debater. His thorough legal education and persistent application to his profession have won for him a reputation as a general practitioner which is not confined to his own State. He ranks as one of the best orators of the country, and in political campaigns is in general demand in his own and other States. Mr. Watson is a man of fine literary tastes and broad culture. He finds especial delight in the field of history. At the Centennial anniversary of Gallipolis (October, 1890), he delivered an address on "The Early Judiciary of Ohio," which is one of the most interesting and valuable articles ever contributed to the legal history of Ohio. It is published in full in Vol. III. of the Reports of the Ohio Archæological and Historical Society. His public life has been conspicuous for strict integrity in office, while simplicity and purity characterize his private life. In 1873, Mr. Watson was married to Miss Louise M. Harrison, daughter of Hon. R. A. Harrison, of Columbus. He has two children—a daughter, Marie, and a son, James.



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Thomas E. Powell

THOMAS E. POWELL, Columbus. Thomas E. Powell was born at Delaware, Ohio, on the 20th of February, 1842. His father, Thomas W. Powell, was a lawyer and for many years a recognized leader at the Delaware Bar. The latter was born in South Wales, and when a child was brought to this country by his parents who settled in New York, and was educated in that State. Thomas W. Powell removed to Ohio about the time he was admitted to the Bar. He was in active practice for about forty years and a judge of the court for some ten years. The mother of Thomas E. Powell, Elizabeth Gordon, was a native of Ohio and of Scotch ancestry. Her parents settled in Pennsylvania and afterwards removed to Franklin county, Ohio. Thomas E. obtained his early education in the common schools of Delaware. At the age of thirteen he entered the Ohio University and graduated in 1863, at the age of nineteen. He then enlisted in the Eighty-Fourth Regiment Ohio Volunteer Infantry, and was afterwards transferred to the 145th. In the fall of 1864 he was mustered out of the service as a lieutenant. He at once entered his father's office at Delaware and continued the study of law, having commenced his studies while in the army. In 1865 he was admitted to practice and formed his first partnership with W. P. Reid. The firm of Reid & Powell continued twelve years. In 1879, upon the death of Mr. Reid, he associated with himself Judge J. S. Gill. The firm of Powell & Gill lasted until Mr. Powell's removal to Columbus, in 1887. He then became the senior member of the firm of Powell, Owen, Ricketts & Plack. This firm was dissolved in 1895, and he then formed a co-partnership with T. B. Minahan, under the firm name of Powell & Minahan. Mr. Powell is a lawyer of recognized ability and standing in the profession. He is especially quick and a master of legal procedure, and he is to-day acknowledged to be one of the ablest orators at the Columbus Bar. His practice has always been of a general character. He has been identified with much of the important litigation in this part of the State, always conducting his cases with great skill and remarkable success. He was counsel against the will of M. Louise Deshler, and counsel in the Church divorce case. He was counsel for the defense in the noted Inskip murder case, and, to the great surprise of all who had followed the evidence, he saved the life of the accused. He has had much to do with the litigation growing out of the lease of the Hocking Canal, touching the title of the canal lands and the right of the State to donate lands. Many of the large corporations in the State have been reorganized under his direction and advice. He is counsel for the Ohio and Western Coal and Iron Company, Ohio Southern Railroad Company, and the C. S. and H. R. R. Company. In 1872 he was a delegate to the Democratic National Convention which nominated Horace Greeley, and was a candidate for presidential elector for his district on the Greeley ticket. In 1875 he received the Democratic nomination for attorney general on the ticket with Governor William Allen. In 1879 he placed General Thomas Ewing in nomination for governor in the State convention. In 1882 he did the same for James W. Newman. In 1882 he was the Democratic nominee for Congress in the old Ninth District, and though defeated

ran 1,500 ahead of his ticket, carrying his native county, which no Democratic congressional candidate has ever done before or since. In 1883 that old Democratic war horse, Durbin Ward, selected Mr. Powell to present his name to the State convention. In 1884 he was a delegate to the Democratic National Convention, and, at the request of Governor George Hoadly, placed that gentleman's name in nomination for the presidency. He was also a candidate for elector at large on the Democratic ticket. In 1885 he was chairman of the State executive committee. In 1887 he was nominated by the Democrats for governor, and though defeated at the polls he ran about ten thousand votes ahead of his ticket. In 1888 he placed in nomination at the St. Louis convention the Honorable Allen G. Thurman for President of the United States. In 1896 he was at the head of the Democratic presidential electoral ticket in this State. Mr. Powell has always taken a most active interest in educational matters. He has been for a number of years one of the trustees of the Ohio Wesleyan University. He is the professor of medical jurisprudence in the Ohio Medical College. In 1872 Mr. Powell married Eliza, daughter of Bishop Thomson, of the Methodist Episcopal Church, and by this union there have been born six children who are living, four sons and two daughters. One son Edwald T., is now a practicing attorney in his father's office.

JOHN H. DOYLE, Toledo. Honorable John H. Doyle, ex-judge of the Supreme Court, was born in Perry county, Ohio, April 23, 1843. When three years of age he was brought by his parents to Toledo, where the father died in 1852. He was thus left at the age of nine years to the care and training of his mother, who lived to see the seal of approval on her work by the people of Ohio. He was educated in the public schools of Toledo, and Dennison University at Granville, where he spent a short time. He began the study of law with General H. S. Commager, and continued it with Edward Bissell, Jr. On the twenty-first anniversary of his birth he was admitted to the Bar, and into partnership with Mr. Bissell. He was well qualified for practice, and thus had a fair start in his profession at the threshold of manhood. Apt, energetic and ambitious he made rapid progress. It required only a short time for him to gain a reputation for the possession of legal knowledge and powers of advocacy unusual in a young man. He was skillful and successful in the management of numerous important and difficult cases entrusted to him. Very early in his practice he was employed in a case involving the title to one hundred and sixty acres of land within the corporate limits of the city of Toledo, whose estimated value was more than a million dollars. He was counsel for the claimants, who were heirs of a man named Ford, a soldier of the war of 1812, who was at the time of beginning this action living near Baltimore, Maryland. The title of Mr. Doyle's clients was contingent upon the legitimacy of a daughter of Ford, who was born while the latter was a prisoner of war at Plymouth, England, and alleged to be illegitimate. A considerable portion of

the winter and spring of 1874, and the summer of 1875, was spent in Maryland and the District of Columbia by Mr. Doyle, taking testimony in the case. He was successful in establishing the legitimacy of the child, and the validity of the title of his clients. It was rather a remarkable triumph for a lawyer of so little experience in practice, and was illustrative of the keenness and the energy which have characterized his entire professional life. In 1879 Mr. Doyle was elected, as a candidate of the Republican party, judge of the Common Pleas Court for the district embracing the counties of Lucas, Sandusky, Ottawa, Huron and Erie. The election terminated the partnership between himself and Mr. Bissell. The Bar of Toledo, without distinction of party, unanimously endorsed his candidacy. He soon became distinguished on the Bench of the *nisi prius* court for his fine discrimination as to the relevancy of testimony, the acuteness of his perception as to the law and its application, the dignity with which he presided, and his remarkable faculty for the dispatch of business. In 1882 he was nominated by the State convention of his party for judge of the Supreme Court, but the Republican ticket was defeated by a majority so large that the several thousand votes cast for him in excess of the party vote were not sufficient to elect. In February, 1883, Judge Doyle was appointed by Governor Foster to fill a vacancy on the Supreme Bench caused by the resignation of Judge Longworth, and served until the next succeeding election. His intellectual, physical and professional qualifications for appellate judicial duties were superb. He possessed natural abilities of a high order. He was just forty years of age, in the prime of vigorous middle life, and in full command of his best powers. He was also fresh from the experiences of a trial judge, in which his career had been a continuous and unqualified triumph. His record on the Supreme Bench was short, but unexceptionable. At the convention of 1883 the Republicans again nominated him for the full term, but the party was defeated that year. The game of battledoor and shuttlecock in Ohio politics relieved him of further judicial service when the verdict of the November election was recorded. Judge Doyle then resumed practice in Toledo, and has continued to the present time. He is the senior member of one of the strongest firms in Lucas county. His ample resources derived from profound study and varied experience, and reinforced by habits of industry, good health and physical powers, make him powerful at the Bar. Both as a jurist and a practitioner he occupies the front rank in the profession of his State. Judge Doyle is quick, active and earnest in his work. He has a vast supply of nervous energy, and prodigious capacity for endurance. He has long been not only an active but also an advisory member of the Republican party. He is identified in belief and active relations with Christianity, and has for thirty years been a member of the First Congregational Church of Toledo. He has, in spite of an immense law practice, found some time for the study of literature, and connection with such educational work as tends to improve the minds and cultivate the society in his city. He was one of the organizers of the Toledo Library Association, now the Free Library of Toledo, and was chairman of the lecture committee for six years. In 1865 he assisted in organ-

izing the Northwestern Lecture Bureau at Chicago, and served as its secretary for several years. Judge Doyle was commissioned a lieutenant in the Sixty-Seventh Regiment Ohio Volunteers during the war, but was prevented from accepting the commission by a severe and protracted illness. At the time of this appointment he was but eighteen years of age. In 1886 he was appointed by Governor Foraker one of the trustees of the Toledo Asylum for the Insane. Judge Doyle was married October 6, 1868, to Miss Alice Fuller Skinner, daughter of Dr. S. W. Skinner, formerly of Windsor, Connecticut, who is a descendant of the Wolcott and Ellsworth families, of which Chief Justice Ellsworth and Governor Wolcott were members. Three daughters born of this marriage are Elizabeth Wolcott, Grace Alice and Hellen Genevieve. Judge Doyle is a very courteous gentleman, whose popularity has fairly been won by his genial disposition, kindness of heart, high moral character and estimable social traits.

MANNING F. FORCE, Sandusky. General Manning F. Force was born at Washington, District of Columbia, December 17, 1824. His paternal ancestors were French Huguenots. His grandfather, William Force, was a soldier in the Revolutionary army. His father, Peter Force, a native of New Jersey, was the well-known compiler of the "American Archives," in the preparation of which he gathered the most complete collection of books and pamphlets upon American history ever made (except that of the British Museum), which was purchased for the Congressional Library a few months before his death, January 23, 1868. Manning prepared himself for West Point, at Alexandria, Virginia, but changing his purpose entered Harvard University; was graduated from the college in 1845 and from the law school in 1848. In January, 1849, he went to Cincinnati, and studied law for one year in the office of Walker & Kebler. In January, 1850, he was admitted to the Bar; afterward became one of the firm of Walker, Kebler & Force; remained in partnership with Mr. Kebler after the death of Judge Walker, until the commencement of the war of the Rebellion. He then entered the army as major and was soon promoted to lieutenant colonel of the Twentieth Ohio Volunteers; and, having taken part in the capture of Fort Donelson and the battle of Pittsburg Landing, was soon after promoted to its colonelcy. Colonel Force was active in the advance to Corinth, and in the movements connected with the battles of Iuka and the Hatchie, or Pocahontas. He was engaged the entire day in Colonel Leggett's desperate fight near Bolivar. In the advance on to Vicksburg he was hotly engaged in the battles of Raymond and Champion Hills, and participated in those of Port Gibson and Jackson. During the siege of Vicksburg his regiment was taken from the trenches and sent with General Blair's expedition up the Yazoo. On his return in June, 1863, he was placed in command of the Second brigade, Third division, Seventeenth corps, which was detached to form a part of General Sherman's army, watching the movements of General Johnson. After the capture of Jackson by General Sherman, General Force re-



M. J. Force

ceived the Seventeenth corps gold medal of honor, by award of a board of officers. In the latter part of August he was in General Stevenson's expedition to Monroe, Louisiana, on returning from which he received his appointment as brigadier general, and in October took part in General McPherson's demonstration toward Canton. On November 15th, he was transferred to the command of the First brigade, and was, during the winter, in command of the outpost at the crossing of the Big Black. In February, 1864, General Force went with General Sherman to Meridian. On the 4th the Seventeenth corps advanced, skirmishing eleven miles when the enemy gave way, and General Force's brigade, volunteering to push on, entered Jackson in the night. On the 14th General Force's brigade, detached to destroy the railroad bridge at Chunkey, came upon the rear of two brigades of cavalry, Stark's and Wirt Adams's, charged into their camp, drove them across the river, destroyed the bridge, and rejoined the army at Meridian, after an absence of two days. When the Seventeenth corps returned from veteran furlough and found General Sherman at Ackworth, Georgia, Force's brigade formed the extreme left of Sherman's army. In June, Leggett's division, including Force's brigade, carried and occupied Bushy Mountain at the foot of Kenesaw. On July 3rd his brigade constituted the extreme right flank of the army. On the 4th General McPherson directed General Blair to have General Leggett send General Force with two regiments to beat up a cavalry camp understood to be somewhere in front, and to find a certain crossing on Nicajack creek. He drove the cavalry from their camp and across the creek, and in pursuance of additional orders penetrated to the main line of the enemy, and remained there almost surrounded, till recalled in the night. The army having crossed the Chattahoochee, he was again transferred to the extreme left flank, on the 14th, and on the 21st his brigade attacked and carried a fortified hill in full view of Atlanta, defended by General Cleburne's division. In the terrible battle next day, when General Hood endeavored in vain to recapture this hill, General Force was shot through the upper portion of his face; was supposed to be mortally wounded, and sent home. He was able, however, on October 22nd, to report for duty to General Sherman at Galesville, Alabama, where the latter had paused in his pursuit of General Hood. General Force was brevetted major-general for "especial gallantry before Atlanta," and subsequently received the congressional medal of honor. He commanded his brigade on the march from Atlanta to Savannah and commanded the Third division across South Carolina. He forced the crossing at Orangeburg, and was promoted at Goldsborough to command the First division Seventeenth corps. While General Force had but four staff officers, besides a quartermaster, in the seven months from June, 1864, to January 1865, three of his staff were killed in the field, one mortally wounded, one taken prisoner, and two sent to the hospital broken down with exhaustion. After the general muster out of the army of the Tennessee, in the summer of 1865, General Force was appointed to the command of a district of Mississippi, where he

was mustered out in January, 1866. Upon returning to Cincinnati he was appointed colonel of the Thirty-second regular infantry, but declined. Of General Force's record as a soldier it may be said that he was at the front during the whole war, that he lost neither a cannon nor a caisson nor a wagon, and his command, though always in the extreme front, was never taken by surprise, and never gave way under fire. Having resumed the practice of his profession in Cincinnati, he was elected in the fall of 1866 a judge of the Court of Common Pleas, and at the expiration of his term in 1871, was re-elected. In the autumn of 1876 he was nominated for Congress on the Republican ticket, but being on the Bench took no part in the canvass. He was defeated by a majority of nearly seven hundred by Milton Saylor, an able and popular member of Congress, who had previously been elected by majorities of three and four thousand. In the spring of 1877 Judge Force was elected judge of the Superior Court of Cincinnati, and in April, 1882, was re-elected without opposition, being unanimously nominated by the conventions of both political parties. He was able, patient, industrious and impartial; a diligent student of the older law as well as of later decisions; adept in hearing jury trials. He disposed of many important cases and some new questions and was seldom reversed by the Supreme Court. Both the Common Pleas and the Superior Court being vested by law with authority to appoint trustees of many public institutions, he always insisted on the appointment of the best men who could be found. But when the legislature required the Superior Court of Cincinnati to appoint a large portion of the municipal government of Cincinnati, he concurred with the other judges in holding that was not a judicial function and in declining to make such appointment. He was for twelve years professor of equity and criminal law in the Cincinnati Law College, and for twenty years president of the Historical and Philosophical Society of Ohio. He is fellow of the American Academy of Arts and Sciences, member of the Archæological Institute of America, American Historical Association, Anthropological Society of Washington, National Geographic Society, Historical and Philosophical Society of Ohio, and Ohio State Archæological and Historical Society; and corresponding member of Real Academia de la Historia, Madrid, and of the Historical Societies of Massachusetts, Virginia, Wisconsin, Buffalo and Western Reserve. He wrote notes to two editions of Walker's American Law, and two editions of Harrison's Criminal Law; "From Fort Henry to Corinth" and pamphlets, "Pre-Historic Man," "Darwinism and Deity," "The Mound Builders," "Observations on the Letters of Amerigo Vespucci," "Early Notices of Indians in Ohio," "To What Race Did the Mound Builders Belong," "Scholar and Man," "Marching Across the Carolinas," "Personal Reminiscences of the Vicksburg Campaign," "Address Before the Historical and Philosophical Society of Ohio," "Biographical Sketches of Justice John McLean and General John Pope. The State of his health compelled him to give up judicial work in January, 1887, and to decline re-election. His health being partially



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restored, he resumed the practice of his profession for a short time, but as open air work was necessary for him, he accepted the appointment as commandant of the Ohio Soldiers' and Sailors' Home at Sandusky, which was tendered him by Governor Foraker, on the opening of that institution in 1888. He is still serving the State in that position. He married Frances Dabney Horton, of Pomeroy, Ohio, May 13, 1874, and has one son. Judge Force is a gentleman of deep and wide culture, a lawyer of great ability; a judge of acute discriminating quality of mind, and a man in whom all the gentler traits predominate. The fiber of his intellect is fine and its texture strong; his nature is compassionate, and his human sympathy easily touched. Kindness, courtesy, gentleness and sincerity characterize his social intercourse.

ASAHEL W. JONES, Youngstown. Honorable Asahel Wellington Jones was born September 8, 1838, at Johnstonville, Trumbull county, Ohio. The earliest record of the family in America is at Barkhamstead, Connecticut, when Benjamin Jones, of Welsh origin, and probably the founder of the family in this country, moved there from Enfield in the same colony in 1635. His grandson, Captain Isreal Jones, also moved from Enfield and became the second settler in the township of which Barkhamstead is the center. The latter established his home in East Mountain and his farm still remains the property of his descendants. His son, William C. Jones, a veteran of the Revolution, conspicuous in the battles of Bunker Hill and Saratoga, emigrated with his son William to Herkimer county, New York, and thence to Hartford, Ohio, in 1802. William was the father of William P. Jones, who was the father of our subject and a native of Hartford, Ohio, born July 11, 1814. William P. Jones married Mary J. Bond who was born at Avon Springs, New York, February 26, 1816 and came to Hartford, Ohio, in 1833. She died at Youngstown in March, 1882, leaving only one child, Asahel W. Jones. He was born and raised on a small farm, and in 1849 removed with his father's family to Farmington, Trumbull county, and there he attended the common school, afterwards taking an academic course at the Western Reserve Academy at Farmington. In those days he went through the routine that so many of our prominent men have experienced—worked on the farm in summer and attended school during the fall and winter months. This continued until the spring of 1857, when he commenced reading law with Curtis & Smith, of Warren, and was admitted to the Bar September 27, 1859. He practiced alone there until 1861, when the oil excitement broke out at Mecca, when he at once opened an office there, which he continued until July 5, 1864. He then removed to Youngstown, where he has remained. He was the first in this section of the country to make a strong move for the protection of the public and the laboring classes by instituting suits for damages against railroads and large corporations for personal injury. In one year he recovered judgments aggregating \$100,000, and by his vigorous action gave large employers and transportation

companies an object lesson in the necessity of exercising care and vigilance in the protection of their employes and the public. His practice has been confined almost entirely to civil cases. He does not like criminal practice, and for the past twenty years has absolutely declined to appear in criminal trials. He is an authority on corporation law, and although at the commencement of his career he was in a position somewhat antagonistic to corporations, he has since become a great corporation counsel. His advice is always based upon a full consideration of the public welfare and interests. He considers that it is the duty of corporations to give due weight and thought to the public good, and is not content to confine action to the narrow ground of the public rights. He advocates a fair and honest policy in all matters affecting the people. For the past twenty years he has been general counsel for the Pittsburg and Western Railroad, attorney for the Pennsylvania Railroad Company and for the Baltimore and Ohio Railroad. He has been conspicuous in the reorganization of many smaller railroad corporations, among others the Pittsburg, Akron and Western Railroad. It has become a fixed principle with him to keep his clients out of court if possible, and no matter if it is a large corporation or an individual client he is equally earnest in bringing about a settlement and avoiding litigation if it can be accomplished with equity and justice. He is broad-minded and of an equable temperament. After exhausting every effort to settle outside of court he assumes a very different attitude, becomes firm, determined and aggressive. The kid glove is exchanged for the mailed hand, and the opposing parties find their vigilance and legal acumen tested to the utmost. He possesses all the qualities that make up a great lawyer; is industrious and cautious, a sound reasoner and thinker and a gifted advocate. In politics he is a Republican. It is his conviction that the tenets of that party comprise the essence of sound government and the highest moral principles. He is thoroughly consistent in his life, words and actions, and although a strong partisan there is no bitterness in his political attitude. He has never sought or desired office, but in 1895, in the Republican convention at Zanesville, he was unanimously chosen for lieutenant governor of Ohio, and although he protested most emphatically he was induced by his numerous friends to accept the nomination, and was afterwards elected by a large majority. Probably one of the most powerful influences that determined him ultimately to accept this nomination was his great esteem for Governor Bushnell, who headed the ticket. They had been warm personal friends since the time they were both members of Governor Foraker's staff, when Governor Jones was judge advocate general of the State. He is very close to the hearts of the people of Ohio, and is universally esteemed for his sincerity, integrity and courage. He was the principal factor in the organization of the Second National Bank of Youngstown, in which institution he is a director and large stockholder. Another important enterprise that was suggested and brought into being by his energy is the Dollar Savings and Trust Company of Youngstown, in which he is also a director. Outside of law, business and politics, his recreation is a magnificent model farm of six hundred acres, within easy dis-

ance of the city, which is perfectly equipped with buildings and implements, and in addition is stocked with a superb herd of short-horn cattle and Oxford sheep. A few years ago he found it advisable to discontinue the breeding of sheep, but under the present more favorable auspices has resumed. His cattle are famous throughout the country, and although he has lavished large sums of money upon the breeding of cattle and in perfecting the farm, it has been done with judgment and sagacity, and instead of being an expensive luxury it has not proved unprofitable. An eminent member of the Ohio Bar who has been closely associated with Governor Jones for more than twenty years, and who speaks of him from intimate personal knowledge, writes as follows:

“Nature has been generous to Mr. Jones. She bestowed upon him a magnificent presence. He is large and commanding in person; his features are strong and impressive. He is well known in every part of the State; for once seen, no one would forget him. His mind operates with quickness and precision, taking in and holding a broad view upon all subjects. He has a natural talent for investigation, and whatever he undertakes to investigate it seems impossible for him to stop until he has gone over the entire field. He is a great reader on all subjects, particularly history and biography, and for the last thirty years has been a great student upon a variety of subjects. One peculiarity of his mind is that he possesses a wonderful memory. Having chosen the law early in his life, with his wonderful ability to investigate, it is not at all surprising that in this field he is best known, and to which he has devoted most of his great abilities. In a very short time he showed great ability in the handling of large and important causes, and he has always been remarkably successful in the outcome of causes in which he took special interest. Once enlisted in a case there is no labor too great for him to perform that seemed necessary to bring it to a successful termination. He does not always rise to his full capacity in an argument of a cause, either to the court or jury, but when he does it is little short of terrific. His great common sense and his quickness to discern the strong points in his own case, and the weak points in his adversary's, has rarely been excelled, and equalled by but few lawyers in this country. When investigating a legal proposition it is his habit to put himself as near as possible in the position of a judge, and he has a remarkable felicity in disrobing himself of all partisan interest, and when he arrives at a conclusion his presentation of the same becomes a profound thesis upon that branch of the law. In politics Mr. Jones has always been a Republican of the staunchest sort, and has always found some time to devote to furthering the interests of the party. For one period of twenty years the writer has known him never to miss attending a State convention of the party in Ohio. He was never a candidate but once before his nomination for lieutenant governor, and that was when he was a candidate for governor, at which he would in all probability have been nominated, but for the fact that there was a general call for the nomination of Senator Foraker for a third term. His great, rugged common sense and ideas of justness and propriety in politics have often led him to express himself in a way which the ordinary politician would pronounce as impolitic, but once committed to a cause he had always the courage of his convictions. He believes that politics should be conducted as squarely and honestly as any business transaction. In a division of the honors of the party, he has eminently preferred others to himself, and the convention over, always found him devoting all the time at his command to the success of the ticket. As a campaign speaker he has been much sought for, and there is scarcely any corner of the State that has not heard him, and

where once heard he is always again a welcome visitor. On all political questions he has been a most thorough investigator. Government has been his most favored theme of investigation. All forms of government, and the weakness and strength of each, have been well considered by him, and few are so well equipped to sustain ideas of government and governmental policy as he. He is not a mere politician. He brings to his ideas of statesmanship the history of all governments of the past. His study of governments has been not as a politician but as a statesman."

In his domestic relations Mr. Jones has been most happy. On September 24, 1861, he was married to Miss Jeanette Palmer, whom he met while attending the same seminary. There were born to them two children, a daughter and a son, the latter having died just after having arrived at the age of twenty-three. His daughter is the wife of Professor Robert King, of Wabash College, and inherits, in a great degree, the ability of her father. Mr. Jones is of a genial and kind disposition, as his hosts of friends all over the State are glad to acknowledge. Every position of trust which was ever committed to him has been performed with the utmost fidelity. One of the cardinal virtues of the life of Mr. Jones has been that whenever he made a promise it was willingly fulfilled.

DAVID M. WILSON, Youngstown. The late David M. Wilson was born in 1823, in Medina county, Ohio. He was educated in the schools of his native county, studied law there, and was admitted to the Bar in 1844. He continued to reside and practice his profession in Medina until 1862, when he removed to Canfield, the county seat of Mahoning county, and afterwards to Youngstown when the county seat was removed there. Here he established himself in the practice of the law and from the commencement, aided by his ability, experience and success elsewhere, took a conspicuous place among the leaders of the profession. Northeastern Ohio has produced some of the most profound students and most eloquent exponents of the law that are to be found in the history of the State, and it is amongst these that the Honorable D. M. Wilson belonged and won his place at the Bar. He was strong as a man and as a lawyer, holding high rank with very able contemporaries. He was a brilliant advocate, deep thinker, and was gifted with a clear judicial mind, a penetrating and incisive wit and an intelligent grasp that has rarely been excelled. He was a forcible, vigorous and convincing speaker, and whether the subject was a case on trial or the principles of a political party, his hearers were equally impressed with his complete knowledge of the subject and his evident sincerity of expression. He was deeply earnest in all he undertook. His manner was winning and cordial and made for him hosts of friends. A strong Democrat, residing in an overwhelmingly Republican district, he was nominated by his party for attorney general of the State in 1863, and in 1874 as candidate for representative in Congress, and by his personal popularity effected a change of more than thirty-five hundred votes. He was one of the



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most active and prominent members of the Constitutional convention of 1873, where he gave valuable aid to every suggestion that he believed to be for the best interest of the State. President McKinley at one time studied law in the office of Mr. Wilson, and the acquaintance thus formed ripened into esteem and friendship that was only terminated by his death. The late President Garfield was another intimate friend, and so close were their relations that a law partnership was at one time under serious contemplation by them. Some of the personal letters of Mr. Garfield submitted to the editor evidence very clearly the confidence and the intimacy existing between the two friends. In one of them, dated January 27, 1874, the writer, doubtless for the first time, expressed the beautiful sentiment given to the public, with a variation of language, six years later in his speech accepting the high office of United States Senator as the successor of Judge Thurman: "On the vines that grow over the walls of party politics are found the sweetest flowers that bloom in the garden of friendship." (The later rendering is quoted in Judge Thurman's sketch in Vol. I of this work.) Mr. Wilson died February 11, 1882. He was married in 1871 to Miss Griselda E. Campbell, daughter of Thomas Campbell, of Old Town, Trumbull county. They had one son, Francis Service Wilson, who is now a prominent member of the legal profession in Chicago. The widow also resides in Chicago. She is an earnest, devout member of the Presbyterian Church, to which she has always given her faithful support and adherence. During the last five years of his life Honorable D. M. Wilson was associated in practice with his nephew, James P. Wilson, of Youngstown.

JAMES P. WILSON, Youngstown. J. P. Wilson was born in Lyons, Iowa, February 6, 1857. His parents were James T. and Harriet (Hawes) Wilson, both of them natives of Ohio. The father was admitted to the Bar in Cuyahoga county in 1850 and practiced law at Cleveland five years. Subsequently he became engaged in manufacturing and mercantile pursuits in Lyons, Iowa, afterwards returning to Cleveland, where he died in 1887, at the age of fifty-eight. While in Lyons he was mayor of the place, and afterwards held several important elective positions in the municipality of Cleveland. He left three sons, James P. being the only one who has followed the legal profession. The widow still resides in Cleveland, where she has been prominently identified with some of the more important charitable movements of that city. She is a broad-minded, religious woman of great moral worth, exceedingly liberal and emphatic in her religious views and most highly esteemed by all who enjoy the privilege of her acquaintance. James P. Wilson received his early education in the public schools of Cleveland, graduating from the central high school in 1875. He then studied law for a year with Rufus P. Ranney and afterwards took a course at Columbia, and a two years' course at the Law School of Columbia College in New York City. He was admitted to the New York Bar in 1878, and to the Bar of Ohio in the same year. He immediately

entered upon the practice of law at Youngstown, becoming associated with his uncle, Honorable David M. Wilson, which partnership continued until the death of his uncle in 1882. He then associated himself with ex-mayor W. J. Lawsher in a partnership which terminated in 1895. He has since practiced alone. Mr. Wilson is a lover of the profession of the law. He is a wide reader and an earnest student both of the law and of literature of the better sort, and possesses the necessary industry and keen analysis that enable him to acquire full acquaintance with all questions of fact and every point of law applying to the same. He is never satisfied with less than an exhaustive examination of details. As a consequence he is always thoroughly prepared. In handling his cases in court he is equally patient. He is conspicuous throughout a trial in which he is engaged for his quiet, earnest attention. Nothing escapes his observation and he is quick and ready to avail himself of the slightest opportunity to make a point. As an advocate he is earnest, clear and logical; he never wearies the court or the jury, and displays great tact in emphasizing his strong points without unduly dwelling upon them or reiterating them. His more pronounced success has been gained in the higher courts of Ohio. He has given especial attention to the laws affecting railroad corporations and has represented the Pittsburg and Lake Erie Railroad in Ohio for the past eight years. During this period many important questions have arisen in which his intimate knowledge on the points involved have been of invaluable service. He has in writing an easy, graceful, literary style and has done not a little creditable work with the pen in essays, briefs and as collaborateur in a number of successful plays. In 1896 he presented a paper before the Ohio State Bar Association, which was very favorably received. In politics he is a Democrat, but has no political aspirations. He is consistent in his principles and earnest in advocating them. His devotion to the law precludes his entering into politics. He feels that his profession is exacting and that its highest awards are not won by anything less than complete devotion. He was married in 1887 to Miss Frances E. Patton, daughter of Thomas Patton, of Newark, Ohio, the former editor and proprietor of the *Youngstown Vindicator*. They have three children, Richard Hartley, named for his maternal great-grandfather, the ex-governor and ex-senator, who afterwards became judge of the Supreme Court of Ohio; James Taylor and Harold Leslie.

LOUIS W. KING, Youngstown. Honorable Louis W. King was born November 24, 1854, at Unity, Columbiana county, Ohio. The family are descended from Scotch-Irish ancestry. In 1805 his grandfather settled in Ohio. His mother's family came from Baden Baden, Germany, although she was born in Ohio. His father was and still is a farmer on a very large scale in Columbiana county, and has achieved a wide renown and popularity as a breeder of thoroughbred horses. His name is familiar to all lovers of fine horses throughout the United States, among whom he is highly regarded as a man of high busi-

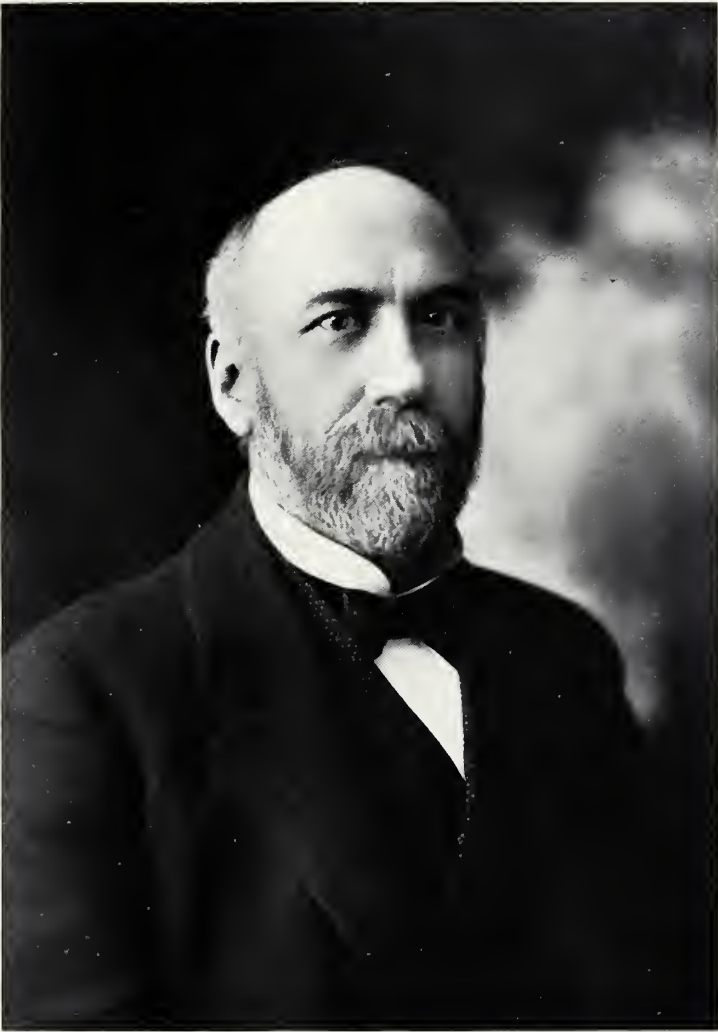
ness principles and sterling integrity. His son, Louis W. King, was born on the farm, and secured his earlier education in the public schools, after which for three years he attended the academy at New Lisbon. At the time there resided in his neighborhood a teacher of German nationality, Andrew Harter, a man of profound learning, a scholar and a tutor of wide experience. He was under considerable personal obligations to the father of our subject, and being honorable and sensitive and entertaining a strong affection for both father and son, he took deep interest in the education of the young man. Indeed, he became private tutor to the boy, and it was his ambition to impart to him the knowledge he had acquired in a life of study and teaching. He was untiring in his efforts, and his pupil made rapid progress under his instruction. When Louis was sixteen years old he attended an examination of applicants to teach in the public school, and not only secured his teacher's certificate but obtained the grade of one hundred in every branch of study. His old tutor expressed no surprise, simply remarking that "the boy knew more on every subject than the examiners." Upon the completion of his education he taught in the public schools four years, giving instruction to the high school classes. He then spent a year with his brother, a physician, in the study of medicine, acquiring a thorough acquaintance with physiology, anatomy and the nervous system. He then devoted himself to the study of the law, which had long been his purpose. In 1874 he began reading in the office of W. T. Anderson and Judge Van Hynning at Canfield, and was admitted to the Bar in March, 1876. Whilst studying law he was deputy clerk of Mahoning County Court, and continued to hold the office until February, 1877. He then formed a partnership with W. S. Anderson, which lasted until February, 1882. In the fall of 1881 he had been nominated on the Republican ticket as judge of the Probate Court, was elected, and took his seat on the Bench in February, 1882. In 1884 he was re-elected, serving six years, and retiring in 1888. He then formed a law partnership with John E. McVey, which continued until 1894, when H. M. Robinson was taken into the firm. Their practice is to a large extent corporation business. They represent all the electric street railroads of the Mahoning Valley, Mineral Ridge and Youngstown companies, as well as a large number of the manufacturing corporations in Youngstown. These corporations and the railroad companies are the constant mark for vexatious damage suits, which form a goodly proportion of the court trials in Mahoning county, and more than half of them are defended by the law firm of which Judge King is the senior partner. One of the highest officials in what is probably the most important manufacturing corporation in Youngstown in speaking of him said :

"Judge King possesses a remarkable faculty for handling bodies of men—legislative assemblies, city councils, etc. His methods are invariably straightforward and honorable; he never uses money, but attains his ends on strictly legitimate business principles. In preparing for the construction of our works it was necessary to secure the consent of the city to the vacating of streets and highways, and such matters as often lead to contentions, and not infrequently assume such magnitude as to become impediments to the locating of large

enterprises. In our case this was avoided by the skill and tact with which Judge King handled the details of every measure and action. I consider him a very able man, and one of the most prominent trial lawyers in northern Ohio. He is an orator, a forceful speaker either in a court of law or at a political convention. He can always secure the attention of an audience. I have known him to quiet a noisy convention with apparent ease, when others of far greater public fame had utterly failed to make themselves heard. If he ever permits the people to send him to Congress he will make a conspicuous member of the Ohio delegation. He is as learned in the law as he is eloquent in expounding it, and he is equally sagacious and safe in his advice and counsel."

In politics Judge King has always been a strong Republican, and has made from twenty to fifty speeches in each State campaign since he was twenty years old. He has been twice chairman of the Republican State central committee, and has served for six or seven years as an active member of the State executive committee. In 1892 he was a candidate for Congress before the district convention, and has since then been pressed by the strongest element in his party to accept the congressional nomination, but has declined. He has always been devoted to the law, and the demands upon by his extensive practice have compelled him to withhold his consent. It is, however, quite within the probabilities that his strong partisan zeal will yet lead him into public life.

ROBERT B. MURRAY, Youngstown. Robert Barclay Murray was born March 6, 1843, at Youngstown, Ohio. The family are of Scotch-Irish descent, and emigrated to this country in the colonial days, those on the father's side settling in New England, and those on the mother's side in Virginia. The New England branch of the family were in the Revolutionary War, and were conspicuous for their loyalty and courage, bearing their full share of its privations, responsibilities and dangers. In the early part of this century the father of our subject moved from New England to New York, and in 1816 moved from New York to Ashtabula county, Ohio, eventually settling in Youngstown. Here he established himself in business, and was married, and here his son was born and received his early education. He acquired the rudiments of his education in the public schools, then attended the Allegheny College, at Meadville, Pennsylvania, and still later studied law at the Law School of the University of Michigan. He returned to Youngstown where he commenced teaching school, shortly afterwards accepting the position of principal of the public schools at Mercer, Pennsylvania, still later, upon his graduating at Allegheny College, in 1867, taking charge of the Academy at Meadville, as principal. During these years he was a devoted student of both law and medicine. In the latter science, anatomy, physiology, nervous diseases and even dissection interested him keenly, and his experiments in these lines were endless and his researches deep. His labor was well rewarded, for he acquired a profound knowledge of these subjects, which has proved of inestimable value in later life. The law was, however, his chosen profession, and the acquirement of



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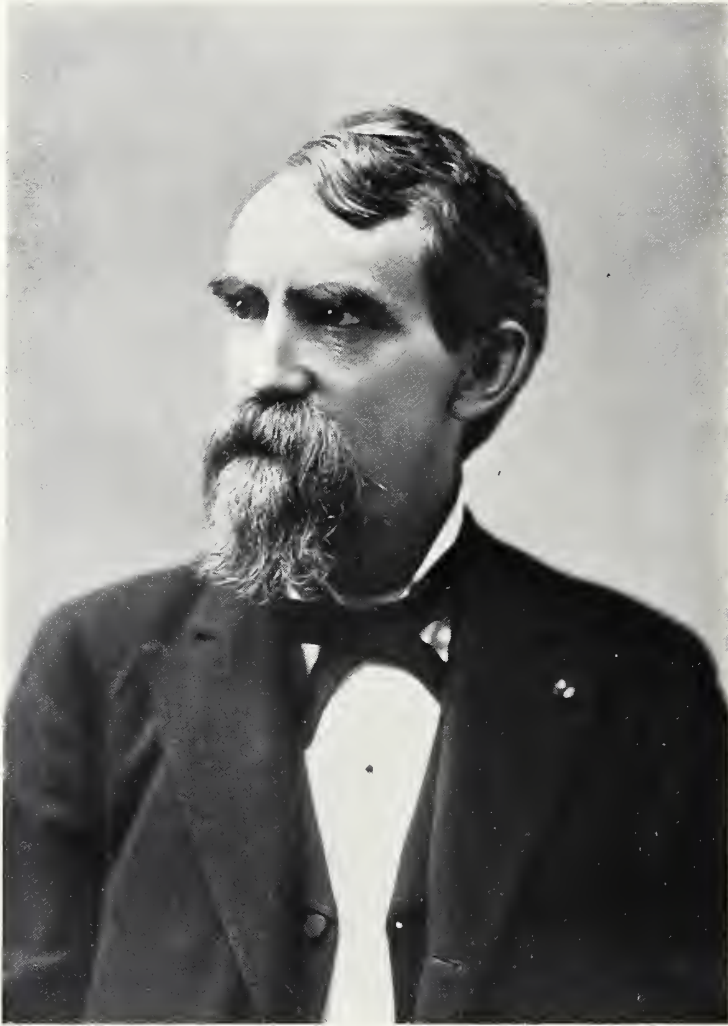
Robert B. Murray



other knowledge was always with a view to its practical bearings in the practice of the law. He was admitted to the Bar in 1868, and at once commenced work alone. In 1870, he entered into a partnership with Honorable A. W. Jones, which became one of the strongest law firms in northeastern Ohio. After a continuance of sixteen years, this partnership was dissolved by mutual consent, each member retaining the regard, esteem and good will of the other; indeed their social and political relations are of the most intimate character. Mr. Murray has never formed any other partnership, but has continued in practice alone. He possesses a wonderful capacity in all matters of law pertaining to real estate, and to personal injury cases. In the latter he has probably done more than any other individual to impress upon the corporations operating in this part of the State the necessity of adopting all means at their command to insure the safety of employes and the public and to awaken them to the responsibilities they incur by any negligence or inattention. His great ability and profound knowledge of real estate law were demonstrated in the well-known case of the Pittsburg, Shenango & Allegheny Railroad, which was a foreclosure case for the bondholders. A number of prominent individuals and great financial institutions were holders of second mortgage bonds when the holders of the first mortgage bonds attempted the foreclosure. They were holding the second mortgage bonds as collateral security for money advanced, and were dismayed to find that they would be rendered valueless by the sale of the road under the first mortgage bonds, and that they could exercise no influence at the reorganization. Under these circumstances they placed the matter in the hands of Mr. Murray for the purpose, as one of them expressed it, "not with a hope of saving anything, we know we have lost the money, but to find out how it has been done." Mr. Murray undertook the task and entered upon it with that quiet diligence and persistence that is so characteristic of the man. He caused the abandonment of foreclosure proceedings, and as representing his clients he became a member of the reorganization committee, and in the courts and in committee for five years he contested point by point, and step by step, until he had secured a full and complete recognition of the interests he represented. He had conducted this remarkable contest with such consummate skill and ability that at its close the committee appointed him chairman of the sub-committee that should pass upon the securities, which amounted to some six millions of dollars. His tact, sagacity, skill and knowledge of the numerous points of law involved were recognized and commended by all parties, and won for him the respect and confidence even of the men whom he had opposed. As a lawyer Mr. Murray is exceedingly cautious and more than industrious. He prepares every important case upon a written brief which is kept on file in his office, the various clauses of which contain specific answers covering every point that his mind can suggest, and the authorities bearing upon such points. He is thorough and methodical in all his habits and arrangements. In preparing his case he goes to work with the greatest deliberation, and exhausts every detail of evidence, getting its exact and definite bearing upon the case. He eliminates all rubbish

surrounding the essential points and brings out his facts with force and distinctness. In handling his case in court, the same pronounced characteristics of decision, determination and confidence are always distinctly in evidence. He is clear, logical and strong, and it is apparent to every hearer that he is in full possession of every detail of his case. He might not be considered eloquent, but he is impressive; the quietness of sincerity and a deep earnestness pervade his utterances. It is difficult to say if he carries greater weight with the court or the jury. His polished style and scholarly attainments insure the respectful attention of the court, whilst his earnestness, confidence and evident acquaintance with all the facts are equally impressive with the jury. In the examination and cross-examination of witnesses he is especially strong, and it is here, in the case of expert medical testimony, that his intimate knowledge of physiology and kindred sciences has proved of great value. This is particularly the case where damages for personal injury are sought, as in such suits the medical testimony offered is usually of their own physicians in behalf of the defendant. It has been no uncommon thing for Mr. Murray to expose the weakness and fallacies of the testimony by a scientifically technical cross-examination, which frequently forces from the unwilling witness admissions and evidence that help the cause he was seeking to damage. Mr. Murray has a striking personality. His face indicates power and intellectuality. In manner he is reserved, unassuming and thoughtful. A man of the highest integrity, of a genial, cordial nature, charitable in all things, he has made hosts of friends who are strongly bound to him. In politics he is a Republican, and while not a politician he is quite prominent in his political views, and gives all the assistance to his party that he can consistently with the heavy demands made upon him by his professional duties. He married, on December 28, 1872, Miss Sophia Bond, of Geneseo, New York, who died in 1885. On June 30, 1897, he was married to Miss Weltha Darby, of Meadville, Pennsylvania. Mrs. Murray is a lady of exquisite taste and culture. Her delight is in artistic surroundings. She derives constant pleasure from the cultivation of her genius for painting both in oils and water colors. She is also an excellent musician. She is endowed with a charming personality, refined and accomplished, and is a great social favorite.

CHARLES P. WICKHAM, Norwalk. Charles Preston Wickham, judge of the Common Pleas Court, was born in Norwalk September 15, 1836, and has kept his residence there continuously to the present time. His father, Frederick Wickham, who was for a number of years editor and publisher of a newspaper at Norwalk, is a native of New York State and his ancestors were among the early English settlers of New England. His mother is Eliza B. Preston, born in New Hampshire and also of English descent. Mr. Wickham's education was in the Norwalk Academy and his father's printing office until he was eighteen years of age. He then devoted all his time for two years to newspaper work. In 1856 he entered the Cincinnati Law School and graduated in



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J. R. Johnston

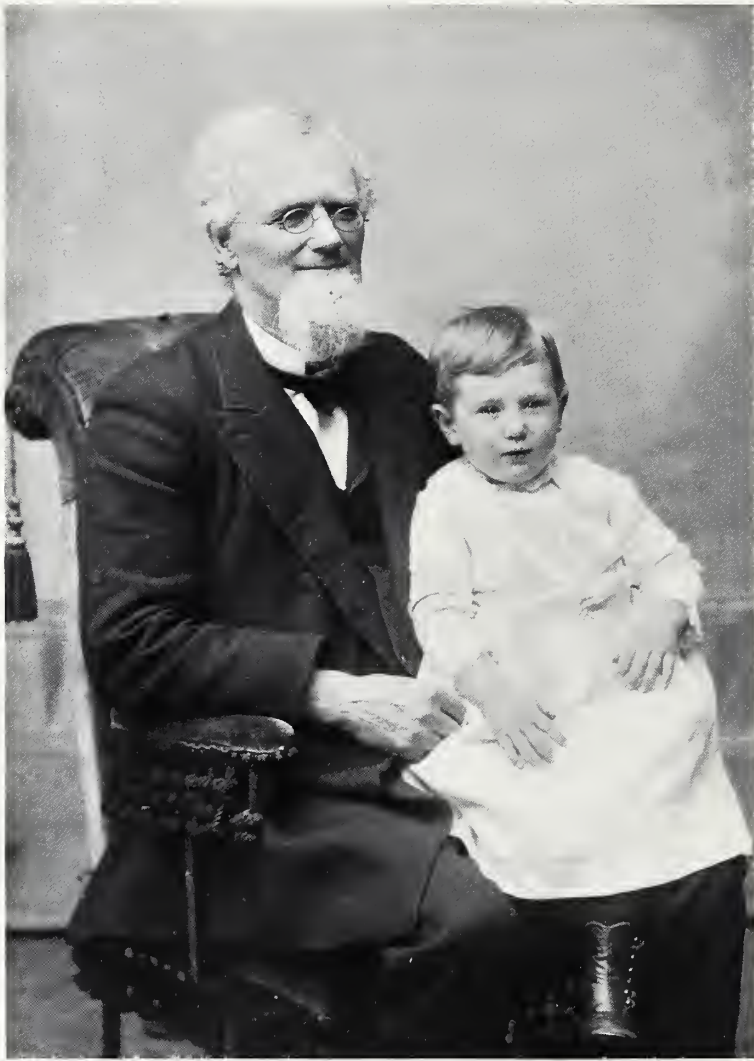
1858. Returning to Norwalk he was admitted to the Bar, at once commenced practice and remained alone until 1877. From 1867 to 1871 he was prosecuting attorney. His first partnership was with the Honorable Samuel A. Wildman, now judge of the Court of Common Pleas. This partnership continued until the spring of 1881, when he was elected judge of the Common Pleas. He served on the Bench until 1886, when he resigned to become a candidate for Congress. He was elected that year and re-elected two years later, serving as a member of the Fiftieth and Fifty-first Congresses. At the expiration of his second term he resumed practice in partnership with his son, Louis W. Wickham, at Norwalk, which partnership is in existence at this time. On the 1st of January, 1897, he established an office in Sandusky, forming a partnership with W. E. Guerin, Jr., the firm now being Wickham, Guerin & French. His practice is general in its character and is most extensive in scope, embracing all the courts and reaching into all the counties of northern Ohio. He is engaged on one side or the other of many of the leading cases that have been tried in this part of the State. Mr. Wickham is a lawyer of great force and possesses marked ability. As a trial lawyer he occupied first rank in his profession. Gentle and kind in his nature, honorable in his dealings, he is greatly beloved by his friends and enjoys the respect and confidence of the profession, as well as the people of his native town and county. In September, 1861, he enlisted as a private in the Fifty-fifth Ohio Volunteer Infantry and was mustered out of service in 1865, at the close of the civil war, as lieutenant-colonel of the same regiment. For a time he was attached to the Army of the Potomac and was engaged in many of its most heated battles. He was afterwards with the Army of the Cumberland, and later with Sherman in Georgia, and with him also in his march to the sea and northward in the Carolina campaigns. While major he was brevetted lieutenant colonel by President Lincoln, his commission reading "For gallant and meritorious service in the Carolinas." In 1860 Judge Wickham married Emma J. Wildman, a sister of Judge Wildman, his old law partner, and by this union nine children have been born, six of whom are living—four sons and two daughters.

JOSEPH R. JOHNSTON, Youngstown. Honorable Joseph R. Johnston was born in Jackson township, Mahoning county, Ohio, September 12, 1840. He is of Scotch-Irish descent, some of his ancestors having been prominent in the affairs of Scotland both in matters of church and state. On coming to this country they settled in Pennsylvania, and in 1811 the branch from which he is directly descended came from Westmoreland county, now Armstrong county, Pennsylvania, to what is now Mahoning county, Ohio. The other branches of the family removed to the South. A prominent member of the family was General Albert Sidney Johnston, whose death at Shiloh terminated what gave promise of being a remarkably brilliant military career. General Joseph E. Johnston was also a distant relative. The father and

mother of Judge Johnston met and married in Mahoning county. He was brought up on the farm and acquired the rudiments of an education at the public schools, afterwards attending the academy at Canfield, and still later the academy at Jackson. He was about completing his course at the latter academy when the war broke out in 1861, which so aroused his patriotism that he at once relinquished all further thought of study, threw up his books and enlisted in Company E of the Second Ohio Cavalry. He served over three years in the war, bearing all the hardships and dangers heroically and uncomplainingly, contented to make any sacrifice and endure all privations for the cause in which his heart as well as his services were enlisted. It was not thought of fame or of promotion to be gained that actuated him; he cared little or nothing for these; he was moved by the deepest sentiments of loyalty to his country and devotion to the cause of freedom. These were his incentives, and these were the motives that impressed him to abandon everything else with the determined purpose of giving all his aid and strength to the cause until victory was achieved. He served the greater part of the time with the army of the frontier and with the army of the Missouri. During the last eighteen months of the war he was in the Twenty-fifth Ohio Battery as second lieutenant. During a part of his service, for some six months, he was brigade adjutant, and throughout the entire service displayed great tenacity of purpose, determination, firmness and courage. He was mustered out in September, 1864, and in October of the same year returned to Canfield, and at once commenced the reading of law with Judge Giles Van Hyning. He was admitted to the Bar September 12, 1866. He was immediately elected judge of the Probate Court for Mahoning county, to which office he was re-elected, serving until 1873. He then formed a partnership with his former preceptor, Judge Van Hyning, which lasted until the death of the latter in 1884. He then continued the practice alone until 1886, when he was elected judge of the Court of Common Pleas. At the expiration of his term he was re-elected, and thus served ten years upon the Bench, retiring in 1897, when he resumed the law practice in Youngstown. In 1875 he was elected to the Ohio Senate and re-elected in 1877, serving two terms terminating in 1879. In the Senate he was a patient and hard working member of the judiciary committee, and gave invaluable aid during the codification of the Ohio laws, which took place at that time. He prepared and introduced the "limited partnership laws" which now adorn the statute books of Ohio. He did not, however, have the pleasure of seeing those become law during his term in the Senate, as they failed of passage upon the first effort. They were afterwards taken up and passed. Judge Johnston was one of the incorporators of the Northeastern Ohio Normal College at Canfield, a prominent and flourishing educational institution which he aided materially by his services and otherwise in its growth and success, and of which he was for many years trustee. He has for the past two years filled the office of judge advocate of the Department of Ohio for the Grand Army of the Republic. He is quite conspicuous in all Grand Army matters, and earnestly co-operates in all movements that are formulated for

what he believes to be for the best interests of the old soldiers. During the ten years as judge of the Common Pleas Court he was called upon to try many cases of more than average importance, both in criminal and civil suits, and it is a noticeable fact that his decisions were invariably sustained by the Supreme Court. This may be attributed to some extent to his painstaking, careful habit of thought. He never spares himself; is more than industrious, persists in getting to the bottom of facts and evidence, and then exhausts the authorities bearing upon the case. He possesses a quick perception of the application of precedents and is logical and sound in his reasoning. His decisions were always received by the Bar with the utmost respect. They were recognized as well considered, fairly arrived at, and honestly given. As a lawyer he exhibits all the characteristics of industry and caution in the preparation of his cases, and in court he is strong and convincing in his argument, besides being very quick to observe a weakness upon the other side and prompt to secure an advantage. He is a good lawyer and a safe counsellor. In politics he is a Republican, and, to be accurate, it should be said a partisan. He believes in the principles of that party and considers it the duty of each and every one of its members to abide by the decisions of the properly authorized bodies within the party, to the end that the fundamental principles shall be maintained. He is an active worker and gives his help whenever and wherever he thinks he can do the most good. He is a popular citizen, universally regarded for his courage and his honesty. He never evades a duty or a responsibility, but is frank and straightforward, possessing to a rare extent the "courage of his convictions." In 1873, in company with Colonel J. M. Nash and others, he founded the *Youngstown Tribune*, a Republican paper, with which he retained his connection for a number of years. By various consolidations and changes it has now become the *Telegram*, a very influential and prominent Republican paper, published at Youngstown. He was married June 9, 1868, with Miss Mary S. Hartzell, of North Benton, Mahoning county. They had one child, a boy, born to them in 1870, but he did not survive more than a few months. Mrs. Johnston's ancestors were among the very earliest settlers of this part of the State, and the family have attained a great prominence both in professional and commercial circles. She is a graduate of Mount Union College, and is a lady of literary and scientific tastes and attainments. In loyalty and love of freedom she is in full sympathy with her distinguished husband, and is indefatigable in her efforts to promote in every way in her power the best interests of the men who fought for the Union. She has taken an important part in the auxiliary of the Grand Army of the Republic known as the Women's Relief Corps, of which she is vice-president of the Department of Ohio, besides taking charge of the columns of the "Relief Corps Record," published at Urbana, which are devoted to the affairs of the Grand Army of the Republic. Mrs. Johnston is a member of the Presbyterian Church, and is active and influential in movements of a charitable and moral character.

ALVIN C. VORIS, Akron. General A. C. Voris, who was born in Stark county Ohio, April 27, 1827, is now a citizen of Akron. As a jurist, a member of the Summit county Bar and an officer of distinction in the late civil war, he deserves a prominent place in the history of the State. He remained in the paternal home until he was eighteen years of age, when his desire for knowledge found its gratification. He gave a year to study at the Twinsburg Institute, and then spent two years more at Oberlin College, where he took an elective course. Compelled to support himself, he found part of the means in teaching school during the winter months and giving several hours each day at the shoemaker's bench, a trade he had learned while on the farm. In February, 1850, he made Akron his home, and his residence has been there ever since. He was appointed a deputy clerk in the Common Pleas Court, holding the place for two years. In February, 1852, the first Probate Judge elected in Summit county under the new Constitution being too ill to visit his office, young Voris was made his deputy and held the position until the death of the judge, in August following. The entire business of the office was thrown upon him. That he performed his duties well and devised proper means for doing the business of the office and keeping its records, is attested by the fact that his methods have since been followed. His official acts as judge were never legally questioned. Meanwhile he had kept steadily in mind the purpose of devoting himself to the law and had lost no opportunity of gaining knowledge in that direction. He studied faithfully, and having a legal mind was able to learn much from the surroundings in which he was placed. His preceptor was General L. V. Bierce, with whom he formed a partnership upon his admission to the Bar in June, 1853, under the firm name of Bierce & Voris. In 1869 he was elected to represent Summit county in the State legislature, where he soon took rank as a leader. He gave himself to the solid business of legislation and was one who could be counted on to be present and who knew the meaning and purpose of each measure before the assembly. Although young he was counted, even then, as one of the strong men of the body. In September, 1861, he enlisted in the Twenty-ninth Ohio Volunteers, was appointed by Governor Dennison a second lieutenant and detailed by the recruiting service. He was mustered into the volunteer service on the 2nd of October following for the organization of a regiment, of which he became lieutenant colonel. This regiment went into the field in western Virginia January 19, 1862. On March 16th, he was made commanding officer of the regiment and on the evening of the 22nd of the same month he led it into its first fight against a reconnoissance of Stonewall Jackson before Winchester, which was, in fact, the opening of the first battle of Winchester, one of the hardest fought infantry battles of the war. Colonel Voris was promoted to the colonelcy of this regiment (the Sixty-seventh Ohio). On the day of his promotion he received a severe wound in the assault on Fort Wagoner, which compelled him to go North. Two months later he reported for duty. In January, 1863, he was transferred to the Department of the South, where he participated in the siege of Charleston. In the spring of 1864



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he was assigned with his regiment in the army of Virginia, with which he was identified until the close of the war. On April 2, 1865, he led the charge on Fort Gregg, at Petersburg, and after having been in the ditch of the fort up to his neck in mud and water for nearly half an hour, he climbed up on its walls by the aid of a ladder made of guns with bayonets thrust into the walls and was the first Union officer in the fort. This was the last Confederate fort taken by storm around Petersburg and Richmond. At Appomattox he was in the fight at the last ditch and was wounded in the left arm by a fragment of shell. For his splendid military services Colonel Voris was brevetted a brigadier general in 1864 and in 1865 made brevet major general of volunteers "for distinguished services in the field." At the close of the war he was assigned to the command of the military district of South Anne, Virginia. Here he rendered valuable services and displayed remarkable executive ability. He was mustered out in December, 1865; returned to his home in Akron, and resumed the practice of law. In the spring of 1873 he was elected a delegate from the Akron district to the Ohio constitutional convention and was one of its most efficient members. He was a member of the committee on rules and thus was instrumental in shaping the work of the body. He served also on the committees on apportionment, representation and corporations other than municipal, under the permanent organization of the convention. Evidence of his usefulness may be found in the records of the convention. General Voris was identified with much of the important litigation in Summit and neighboring counties. He is an orator of great force and a lawyer of recognized ability. In the fall of 1890 he was elected judge of the court of Common Pleas, and served with marked ability for one term. On retiring from the Bench in the winter of 1896 Judge Voris did not again enter into general practice, but has confined his practice to consultation and the direction of special important litigation. In politics he is an ardent Republican, but is too fair-minded and patriotic to allow partisanship to warp his judgment. He is an earnest advocate of protection and has made many campaign speeches in favor of that policy. He is well read in law, history and general literature, and loves books. He is a model citizen and does all that lies in his power to advance the interest and welfare of his city, State and country. September 21, 1853, he married Lydia Allyn, and of the union were born E. F. Voris, who is a member of the Akron Bar, and a daughter, who is the wife of Charles Baird, Esq., also a member of the Akron Bar. March, 16, 1876, Mrs. Voris died, and in February, 1882, General Voris married Mrs. Lizzie H. Keller, his present wife. There are no children by this union.

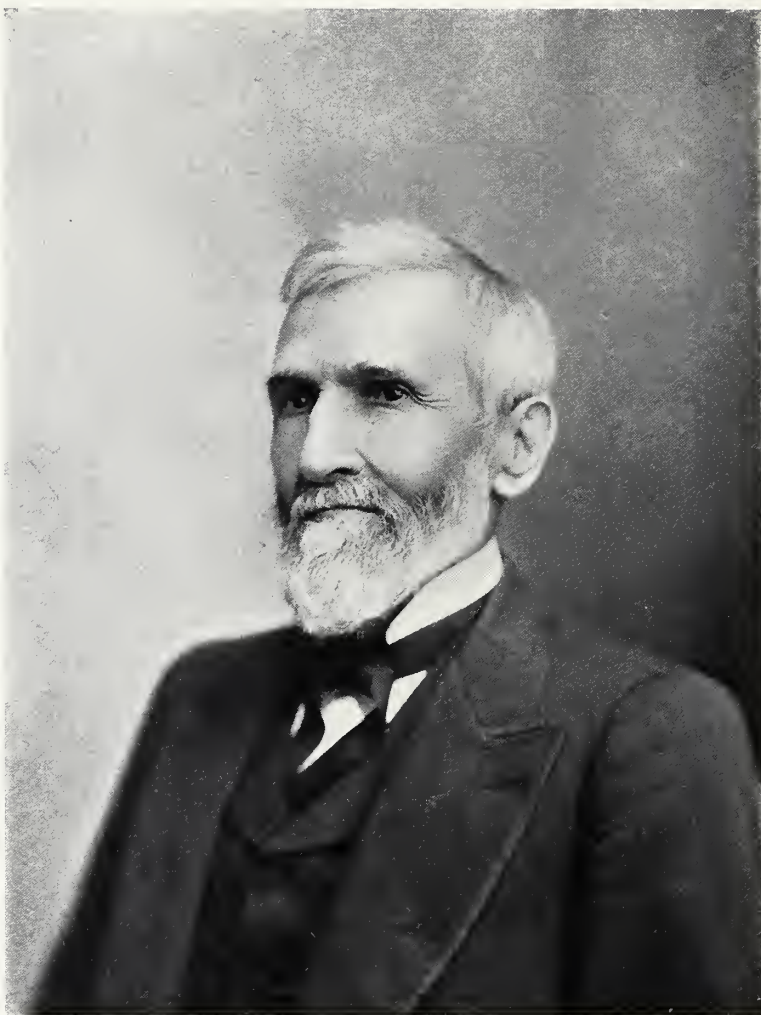
CHARLES A. HARRINGTON, Warren. Charles Adams Harrington is a native of Trumbull county, Ohio, having been born in Greene township, on June 16, 1824. The family is of sturdy New England stock. His father, William Harrington, was a native of Brookfield, Vermont, while his mother, who

before her marriage was Helena Bascom, was from Massachusetts. Early in life William had been bound out as an apprentice, but he bought his time and went to try his fortunes in Canada. At the outbreak of the war of 1812 he immediately returned to the United States, and in March, 1817, he came to Trumbull county, bringing his mother with him. In Greene township he bought some land, built a log house and settled down to clearing the farm for cultivation. His mother kept house for him until 1821, when he married. He took quite a prominent part in the affairs of the county and acted as justice of the peace, making an efficient and upright magistrate. He died in 1885 at the ripe old age of ninety-one. His son Charles A. spent his early years upon the farm. He was a hard working, thoughtful boy of an industrious nature, and determined to secure the best education that was possible. While working on the farm he attended the public schools and afterward took a course at the Grand River Institute at Austinburg. He subsequently entered Oberlin College, where the rules at that time made a course in Hebrew extending over a period of a year and a half necessary before a student could graduate. Not being willing to spend so much time upon a study that did not seem to him to be essential, he left before graduating and returned to Greene township. The college authorities afterward rescinded this rule and invited him to come back, but other occupations had then gained his attention, and he declined to return. At this time he had entered upon a career as a school teacher, at the same time attending to the farm. In 1845 he established a select school in his native community, and subsequently increased the number of these, employing able and efficient assistance, but keeping all under his direct personal supervision. They proved a decided success, and were continued by him for several years. During all the time he had been applying himself to the study of law with a view of entering the profession, and in 1846 he commenced reading law in the office of Crowell & Abell, of Warren. He was admitted to the Bar in 1848. He continued his schools in Greene township, and at the same time practiced law. In 1860 he was elected to the office of clerk of the Court of Common Pleas in Trumbull county, and at the expiration of his term was re-elected, retiring from the office in 1867. At this time President Andrew Johnson had appointed Alexander McConnell assessor of internal revenue for the Nineteenth Ohio Congressional District, and the Senate had refused to confirm him. Under these circumstances the President consented to appoint an assessor upon the recommendation of the Republicans of the district, and Mr. Harrington was selected as their choice for the office. Up to this time he was entirely uninformed as to the intentions of the party representatives, and had no reason to suppose that his name would be brought forward. The honor was greatly enhanced from the fact that the office was one requiring not only great business sagacity, but called also for strong legal ability and the exercise of judicial functions. The nomination was made by the President and confirmed by the Senate, and in March, 1867, he assumed the duties of the assessorship, which he continued to hold until the office was abolished. In the winter following he went into the office of his friend, W. T. Spear, to assist

him. Two years later, in 1875, the law firm of Spear & Harrington was formed, and continued until the election of Mr. Spear to the Bench in 1878. From this time Mr. Harrington continued to practice alone. In 1880, he became associated with others in the organization of the Second National Bank of Warren. He was a member of its first board of directors, and has continued in the board ever since. Soon after its organization he was elected president of the bank. While continuing his law practice he at the same time had executive supervision of the affairs of the bank. In 1887 the cashier died, and, at the urgent request of his brother directors, Mr. Harrington consented to take the position. This demanded such close attention that he was compelled to retire from the active practice, and after a year or two he was able to withdraw almost entirely from the duties of the profession; though to this day many of his old clients and friends are continually seeking his advice and counsel, which he willingly imparts where it may be done without encroaching upon his official duties. During his professional career, Mr. Harrington did his best to avoid appearing in criminal or divorce cases. It was not always possible to keep out of this line of practice, and when he did consent to try that kind of cases he rarely failed of success. In civil cases, when his sympathies and predilections were enlisted, the strongest lawyers and advocates in northeastern Ohio found in him an opponent who called all their resources into action. In the preparation of his cases he is diligent, painstaking and exact in every detail. His scrutiny is penetrating, and not a point of law or link of evidence escapes his sagacious observation while its bearing or application upon the case involved is clearly exposed. His profound legal knowledge enables him to grasp the law in the case with great readiness, and his papers are models of careful industry, knowledge of the law and logical argument. He is exceptionally strong before the court, never permitting an important point to be lost sight of for a moment. He has the faculty of concentration in argument, and brings his facts before court and jury with apparently irresistible force. One of his prominent characteristics is to advise his client, when possible, to avoid litigation. He never permits them to go into court while there remains any possibility of effecting a settlement outside. He regards litigation as the last resort, and it has been his good fortune to compose many family differences that under less careful and kindly advice would have developed into lifetime antagonisms. As a counsellor he is exceedingly earnest, careful, judicious and wise, while his counsel is marked by kindness and benevolence. In politics he is a Republican, firmly believing that the moral tone of the country, the greatest natural blessings, and the highest principles of good government are found in the principles of that party. In public, he has been identified all his life with moral and educational movements. He has been trustee of the Childrens' Home since its organization in 1890, and for more than twenty-five years he has been an active member and a good part of that time president of the board of education, covering a period when the greatest work had to be done in providing school buildings and educational facilities generally. A man of high principles and steadfast integrity,

he is respected and honored by the community. His life has been ennobled by constant effort for others, and he enjoys in his delightful home all that is purest and brightest in the memories and affections. With his wife, his daughter-in-law, the widow of his younger son, and their two little ones, his only grandchildren, he lives in an atmosphere of love. In 1848 Mr. Harrington was married to Miss Eliza Bascom, who died in February, 1892. They had two children, Charles Frederick and Frank Wales. The elder son, when seventeen years of age, entered the army, and served until the close of the war. He was in the government service, surveying department, when he died, in October, 1871. He married Miss Skinner, of New York, but left no children. Frank Wales Harrington, the younger son, was a lawyer by profession. He was married to Miss Carrie L. Park in 1888. They had two children, Charles A., born September 1, 1887, and Priscilla Park, born July 31, 1889. October 7, 1893, Frank Wales Harrington died, after a protracted illness accompanied by great suffering, since which time his widow and two children have made their home with his father. On November 28, 1893, Charles Adams Harrington, the subject of this biography, was married to Miss Sophia M. Smith, a daughter of Honorable Charles W. Smith, who formerly was a member of the Trumbull county Bar, but afterwards moved to West Virginia, where he became exceedingly prominent in politics, and though a Republican his great personal popularity led to his election as judge. He was a great orator and a man of high attainments. He died in West Virginia in 1878.

DUNCAN LIVINGSTON, Portsmouth. The subject of this biography is of Scotch lineage. Both of his parents were born in Argyllshire, Scotland, in the vicinity of Fort Williams. His father, mother and two uncles emigrated to America and located near Wheelersburg, in Scioto county, Ohio, ten miles from Portsmouth, where Duncan was born. He was educated in the public schools of Scioto county, and his course of study did not extend beyond the academic branches. He began the study of law in Portsmouth, and completed his preparation for the Bar under the instruction of Captain N. W. Evans, his present partner. The relations were found to be not only advantageous from a business point of view, but so eminently satisfactory in other respects, that after a partnership association of twenty-five years, Captain Evans says it will be continued for life, unless Mr. Livingston accepts a position on the Bench. The two partners have been friends during more than a quarter of a century, intimate in the relations and constant in their mutual attachment. Mr. Livingston has an aptitude for the law, both in acquiring an understanding of its principles and in the application of its principles to general practice in the courts. He is a very successful practitioner, and is aided by a very serviceable memory. This faculty in him is remarkable, covering not only that which is material in the report of a case which he has read, but what is technical, local and geographical. He is able to recall



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at will the subject-matter, the title of the case and the volume in which it may be found. His mental index of the reports of important cases in the United States and England is about as complete and accurate as that which is printed in the volumes. He is extremely careful and cautious in forming his opinions, but when he deliberately reaches a conclusion his position is impregnable. His arguments in support of a conclusion are unanswerable. Duncan Livingston is regarded by members of the Bar, who have measured his ability and strength, as one of the best lawyers in his county, or even in the State. He enjoys in unlimited measure the confidence of the profession, and the esteem of all who know him in the community, and as a man he is true to his friends, courteous to his enemies, and the soul of honor in all things.

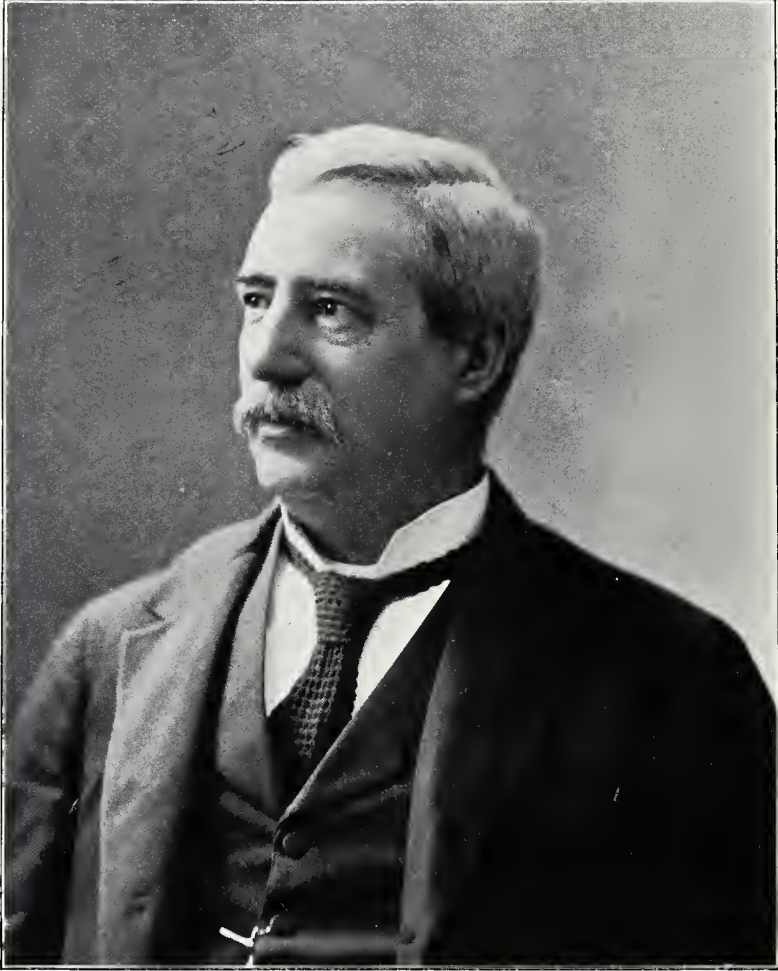
GEORGE M. TUTTLE, Warren. Honorable George M. Tuttle was born in Litchfield county, Connecticut, June 19, 1815. His father, Eri Tuttle, was a native of the same county, born in 1787. His grandfather was Jared Tuttle, also a native of Connecticut and a descendant of William Tuttle who, in 1635, came from England to America on the ship Planter, landed in Massachusetts, and after a brief residence there emigrated to the colony of New Haven, where he finally settled. Eri Tuttle married Miss Harriet Phillips, daughter of Samuel Phillips, and from this union were born one son and four daughters. In 1839 they removed with their family to Ashtabula county, Ohio, settling on a farm in Colebrook. George M. Tuttle received his rudimentary education at home and began attending school very early in life. Such was his aptitude that when only four years of age he was able to read in the Testament. He was of a studious nature and acquired habits and thoughts of reflection that have remained with him all through his life. At twenty years of age he commenced teaching school, and was so occupied for one winter in Connecticut and two seasons in Ontario county, New York, before reaching Ohio. He had, in the mean time, devoted himself to the study of the law, and with one interruption on account of ill health continued this study until 1841, when he was admitted to the Bar at Jefferson. In January, 1844, he removed to Warren and entered upon the practice of law there. At times he has practiced in partnership with lawyers of prominence and at other times he has practiced alone. In 1882 he formed a law partnership with his son-in-law, Charles Fillius, which still continues. In February, 1867, he was elected judge of the Court of Common Pleas and remained on the Bench a few weeks short of his full term of five years, when he resigned to enter a partnership in the practice. He was a prominent member of the Constitutional Convention of 1873, and conspicuous in its deliberations. In politics he was originally a Democrat, but in 1848 joined the Free-soil movement, and upon the organization of the Republican party joined its ranks and has ever since been a consistent supporter of its doctrines. In January, 1841, he married with Miss Emily Lee, who became the mother of one daughter, Harriet, now the wife of

Ira N. Noland. On November 23, 1852, he married his second wife, Julia Adeline Sullivan, a native of New York State, whose father, Jere Sullivan, was born in Rhode Island. His father, Peleg Sullivan, was a son of Humphrey Sullivan, a sea-faring man of Rhode Island, of Irish descent. The mother of Mrs. Tuttle was, before marriage, Margaret Pierce, who was a native of England. Mr. and Mrs. Tuttle have five children: George Phillips, of Warren; Mary Sutliff, who was married with Charles Fillius; John Milton, now at home; William Ellsworth, a member of the Bar, who is at home; and Charles Ward, who is in business in Pittsburg, Pennsylvania. It is now about fifty-four years since Mr. Tuttle became identified with the Warren Bar, and fifty-seven years since he was admitted to practice. During this long period he has been associated in the trial of cases, as lawyer and judge, with some of the very foremost lawyers of the country. His local prominence has brought him into most of the more important cases that have come before the courts of his section for more than half a century, and either with him or against him have been Rufus P. Ranney, Benjamin F. Wade, Milton Sutliff, Joshua R. Giddings, Peter Hitchcock, Matthew Birchard and a host of other celebrated lawyers that have now passed over to the other side. In great contests, where the brightest minds have been engaged, Mr. Tuttle has performed his part and has always been an important and powerful factor. Judge Tuttle and Judge Milton Sutliff, as partners, were indeed most formidable antagonists in any case. Upon the Bench Judge Tuttle was always a close reasoner, careful in reviewing testimony and deliberate in arriving at his conclusions. He was fair, just and firm, and could not be swayed or moved one particle when his decision had been reached. As a lawyer he is great in the preparation of his cases as well as in the trial of them. He exercises unusual caution; no point in the evidence escapes his attention, nor does the law applicable to it. He is singularly sagacious and quick to seize the weak point in his opponent's case. He never permits the wasting of strength on what is immaterial, but concentrates his energies to the utmost. In argument he is clear, cutting, logical and concise, and holds the interested attention of the court as profoundly as that of the jury. As a man, he is kind-hearted, sincere in his friendships, loyal to his party, and true as steel to the interests of his clients. Throughout his life he has been a student, a great reader and deep thinker. So intense has this reflective habit become and so strong the power of concentration of thought developed in him that there are few problems either of law or philosophy whose solution he would not work out. He is not only well acquainted with and deeply read in the authorities of the law, but he is a mathematician of high order, a wide reader of current literature and a scholar of broad attainments.

MYRON R. KEITH, Cleveland. The subject of this memoir was born in Winfield, Herkimer county, New York, in March 1819, and was a son of Colonel Ansel Keith. His education was obtained in the public schools and Oneida Institute. When a youth he came West and settled at Elyria, Ohio, whence in 1837 he removed to Cleveland. Shortly afterwards he was appointed a deputy under the Honorable Harvey Rice, clerk of Cuyahoga county. Subsequently he studied law with Edward Wade; was admitted to the Bar in 1842, and began practice with Mr. Rice as his senior partner. This association continued until 1847, when Mr. Keith returned to Elyria, where he was appointed clerk of the Common Pleas and Superior Courts for Lorain county. In 1852 he resigned, returned to Cleveland and resumed practice, in which he actively engaged until ill health compelled his retirement; but he continued to act as counsel for clients whose business he had transacted for years. In 1867 he was appointed registrar of the Court of Bankruptcy for the Northern District of Ohio, which office he held until the law was repealed in 1878. Mr. Keith was a counsellor rather than a pleader before a jury. He was a man of sound judgment, deep learning and great carefulness. For years before his death he was the legal adviser of executors controlling vast estates. As a drawer of legal papers he had few equals. He was the attorney of the Standard Oil Company, whose charter he drew many years ago. He also drew the articles which created and organized what is commonly known as the "Standard Trust." The will of the late W. J. Gordon, of Cleveland, was a remarkable legal document of its kind, and brought spontaneously from the profession praises of Mr. Keith's shrewdness and ability as soon as it was made public. Mr. Keith was a Republican in politics and during the rebellion he was chairman of the Cuyahoga county central committee. In 1844 he married Miss Mary L. Beebe, of Lorain, who survives him. Two daughters are the living issue of this marriage: Mrs. Minnie Yergest, of Logan, and Mrs. Frances Hallowell, of Cleveland. Among the marked traits of Mr. Keith was his ability to inspire confidence, which resulted not only in the acceptance of large trusts and responsibilities, but also drew to him many warm friends. Mr. Keith was a sufferer for years from the disease to which he finally succumbed August 7, 1893.

JOHN W. HEISLEY, Cleveland. The late John Wesley Heisley was born at Williamsport, Lycoming county, Pennsylvania, February 16, 1824, the son of John and Elizabeth Heisley, who were of German descent. His youth and early manhood were passed at his birthplace, where he had the educational advantages of the public schools, after which he entered Dickinson College, Pennsylvania, from which he was graduated in 1848. Having selected the law he at once began its studies, after graduation, at his native town, where he was admitted to practice in April, 1849. He immediately opened an office and soon found a flattering clientage for so young a practitioner, and a busi-

ness fairly remunerative. In April, 1851, he married Miss Elizabeth Keller, of Williamsport. He removed to Cleveland in 1854, where his earnest devotion to business inspired confidence and soon gave him a fine practice and position as one of the prominent leading lawyers in northern Ohio, a position he retained until his death. Mr. Heisley spoke German almost as fluently as he did English, which gave him a large German-speaking clientage. He entered heartily into political affairs, and soon had great influence as a leader in the local Democratic party. As early as 1857 his party nominated him for city attorney and elected him, a position he occupied for two years, performing his duties with honor to himself and to the advantage of the public. He was placed before the Democratic State Convention at Columbus in 1877 as Cuyahoga's candidate for governor, and received a large vote. In 1883 he received a similar compliment from his party. Without any solicitation on his part his name was presented at that time to the Democratic State Convention as a candidate for judge of the Supreme Court of Ohio. He again failed of nomination, but received nearly half the votes of the convention. Local and accidental reasons seemed to determine the choice. In 1871 Judge Heisley formed a partnership with his brother, William Heisley, who was some ten years his junior, and Mr. Arnold Green, who had been a student of William Heisley, under the name of Heisleys & Green. In 1872 Mr. Green dropped out of the firm, which became in name Heisley & Heisley and continued until 1874, when P. F. Young was taken into partnership, and the firm name became Heisleys & Young for a short time. After practicing at the Bar of Cuyahoga for twenty-nine years with marked success Mr. Heisley was elected judge of the Common Pleas in 1883. Prominent among Judge Heisley's qualifications may be mentioned the long, varied and successful experience as a *nisi prius* practitioner. It has been written of him as a judge that one of his rare qualities was the ignoring of all mere forms and ceremonies without the sacrifice of real official dignity. In a marked and unusual degree he carried into all his judicial labors and intercourse that genial spirit of good-fellowship and spontaneous kindness which made him universally approachable and always familiar, without the suspicion of partiality. Prompt, systematic and expeditious in the dispatch of business, tolerant of argument if relevant, quick to grasp the points of a controversy, cautious, patient and thorough, he certainly fulfilled on the Bench the expectations of those who knew him best and longest. When the Cleveland Bar Association was formed in March, 1873, Judge Heisley became one of its vice-presidents. He died after a long illness, May 17, 1893, at Pasadena, California, whither he had gone in hopes of regaining his health. His widow is still living with her son, Samuel K. Heisley, who is in business in Cleveland. Another son, Ecko M. Heisley, is a prominent member of the Cleveland Bar. A daughter is the wife of Dr. Joseph E. Cook, of Cleveland. A quotation from the Rev. Mr. Hartman fitly closes this memoir: "Judge Heisley was a well rounded man of general information, broad judgment and wise counsel. As a lawyer he was a peer of peers. As a citizen he was one of the leading. On the



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Bench he stood conspicuous. As a husband and father he was kind and loving. As a Christian he stood fearless in his faith. As a friend he was beloved by all. He was a man who will be universally remembered."

WILLIAM C. McFARLAND, Cleveland. W. C. McFarland was born in Lawrence county, Pennsylvania, September 24, 1838. His father, John McFarland, a farmer, and his mother, Eliza McCombs, were of Scotch descent. His grandfather came to this country from the North of Ireland just after the close of the Revolution, about 1790, and settled in the western part of Pennsylvania, acquiring a large tract of land in the Mahoning Valley, the west line of which was the east line of the Northwest Territory, afterwards Ohio. He was a direct descendant from the Scotch Macfarlane Clan, the larger part of which settled in the North of Ireland about 1650. The grandfather was born there and educated in Trinity College, Dublin, coming immediately afterwards to this country and settling in Pennsylvania, as hereinbefore stated. The McCombs were of Scotch ancestry, and they also settled in Western Pennsylvania. The mother's branch of the family came to Ohio about 1820. The paternal lineage of William C. McFarland is traced to his ancestors of the Macfarlane Clan, whose territory in Scotland bordered on the northwest shore of Loch Lomond, and where the ruins of the Macfarlane castle stand on the banks of the Loch Sloy. The orthography of the name has changed considerably. The Scotch was originally Macfarlane, "Mac" in the highland tongue meaning "son of." The early education of Mr. McFarland was received at the Poland Academy. Afterwards he entered Westminster College, leaving in 1859, in his junior year. During his attendance at college he determined upon law as his profession, and while there read Blackstone. After leaving college he went to Kentucky, where he taught school until the beginning of the war in 1861. He then returned to his home in Pennsylvania and would have entered the army, but ill health prevented. About that time he went to Cleveland and entered the Ohio State and Union Law College, taking his degree of LL. B. in 1862. Immediately afterwards he commenced to practice his profession, but there was little business, owing to the excitement incident to the war—not enough even to occupy the time of the older lawyers—so he accepted a position in the quartermaster's department, and was stationed at Nashville, Tennessee, for about a year. Resigning from the military service he returned to Cleveland, and in the fall of 1863 formed a partnership with Judge J. P. Bishop under the firm name of Bishop & McFarland, afterwards Bishop, Knight & McFarland. In 1875 he formed another partnership with Lyman R. Critchfield, under the firm name of Critchfield & McFarland; but this continued only one year, and since it was dissolved he has continued in the practice alone. His practice has been general, but in the later years confined largely to corporation law. Mr. McFarland has the confidence and respect of the Bench and Bar, and stands high as a man. In the profession he

has the reputation of being careful and painstaking in all his work, displaying great industry and care in the preparation of his cases. He also conducts the trial of them with great facility and cleverness. In the examination of witnesses he excels. He is quick in measuring a witness, artful and ingenious in drawing out his testimony. He has been very successful as a practitioner, has a good clientage, and has accumulated a competency by means of his practice. In politics he has always been a Republican, taking an active interest in all political questions. The only office he has ever held is that of representative in the State Legislature, to which he was elected in 1871. He served one term and was not a candidate for re-election. Mr. McFarland has never married.

JOHN H. WEBSTER, Cleveland. John Howard Webster was born at Portsmouth, New Hampshire, on the 8th day of November, 1846. His father, John Webster, came to Ohio in 1850, settling in Cleveland, where he was actively engaged in business until 1868, being one of the city's leading manufacturers. Mr. Webster is a fourth cousin of Daniel Webster. The Websters are descendants of Thomas Webster, who came over in the Mayflower, settling in New Hampshire as early as 1836. Daniel Webster in his autobiography says: "The family is no doubt originally from Scotland, although I have not been able to learn how far back any Scotch accent was found lingering on our tongue. Probably enough the emigrants may have come last from England. The characteristics of the personal appearance of the Websters are pretty strongly marked and very generally found with all who bear the name in New England." His mother, Sarah B. Perry, was also of a noted New England family, from York county, Maine, of Scotch-Irish descent. Her ancestors came to this country shortly after the Revolutionary War, settling at Limerick, York county, Maine, on what was then known as part of the Hampshire grant, in the extreme eastern part of New Hampshire. Young Webster's early education was in a private school, where he was prepared for college, graduating from the high school in 1864. He at once entered Yale College, and upon completing the course was graduated with honors in the class of 1868. Returning to Cleveland he at once entered the office of James Mason, who was at that time general counsel of the Lake Shore and Michigan Southern Railroad, and commenced the study of law, and in June, 1870, was admitted to the Bar. Immediately he commenced the practice of law and was alone until 1884, when he formed his present partnership with E. A. Angell, under the firm name of Webster & Angell, the firm now being Webster, Angell & Cook. His practice has always been general in its nature. He has, however, large business interests outside of his profession which require much of his attention. Notwithstanding the great demands of his profession and business interests, he has found time to aid in the promotion of educational institutions, which have gone far toward establishing a reputation for Cleveland as an educational center in Ohio. He was one of the original organizers

and promoters of the Cleveland Manual Training School, and was for six years its treasurer and chairman of the executive committee, and until the institution was turned over to the city of Cleveland and became a part of the city's general school system. He was also one of the organizers of the University School of the city of Cleveland, and one of the trustees of the school which is to-day recognized as the best preparatory school in the West. Mr. Webster helped to organize the Yale Alumni of northern Ohio, and was for thirteen years actively identified with its management, and for two years its president. He is a man of great force and energy. There is a heartiness and enthusiasm about his work which makes his undertakings successful. He is a lawyer of ability and a man of high moral character, having a large circle of friends and admirers. His father was a noted abolitionist, who, before the war, and until the emancipation of the slaves, maintained one of the underground railroad stations. He is politically a Republican in his convictions, but he has never held political office. In 1870 Mr. Webster married Helen Curtis, of Stratford, Connecticut; and they have three children, two sons and one daughter. The oldest, Paul Wentworth, is a mining engineer, now practicing his profession at Coolgardie, West Australia; the second son, Harold Curtis, is a law student in his father's office; and the daughter, Jean Howard, is a charming young lady.

WILLIAM B. BOLTON, Cleveland. The subject of this sketch was born in New Haven, Pennsylvania, January 7, 1853. His father, John Bolton, a teacher by profession, is a native of Baltimore, Maryland. He removed to Pennsylvania, where his son was born, and later to Ohio. He is now a professor in the West High School at Cleveland. The Boltons are of English extraction. His great-grandfather, John Bolton, was an officer in the Revolutionary War, and the grandfather, of the same name, was an officer in the navy during the war of 1812. His mother, Martha Russell McCune, is of Scotch-Irish descent, a native of Pennsylvania, where her ancestors settled prior to the Revolutionary War. Young Bolton's education was obtained at Portsmouth, Ohio. Passing through all the grades in the grammar school, he entered the high school, from which he was graduated in 1871. He then became a clerk in Judge Thompson's office, the Probate Judge of Scioto county. He retained this position until 1873, when he removed to Cleveland and entered the employ of the Lake Shore Railroad, holding a clerical position for two years. Having determined upon law as a profession, in 1876 he entered the office of Ingersoll & Williamson and began his studies. This firm, having a large amount of trust business which required Mr. Bolton's attention, he did not feel the necessity of admission to the Bar until 1881. In 1880 Samuel E. Williamson became judge of the Court of Common Pleas, resigning that office in 1882 to accept the position of general solicitor for the Nickel Plate Railroad, the subject of this sketch at the same time accepting the assistant gen-

eral solicitorship of the road. Later, under the reorganization of the company, he became the assistant general counsel. In 1890 he resigned to accept the position of general counsel for the Brush Electric Company, which position he now holds. Mr. Bolton's practice has been confined almost exclusively to corporation business, in which line he has had a large and varied experience. He has also had an extensive experience in the litigation carried on upon behalf of the Brush Company in actions involving the validity of the various electrical patents for inventions made by Mr. Brush and others. He is a lawyer of ability, a close student, and his opinions in corporation matters are highly regarded. Politically a Republican, always interested in National and State politics, yet he has never held or sought office. In 1883 Mr. Bolton married Lilyon Beckett Beamer, and by this union there is one son, John Donald, born February 12, 1885.

HARVEY D. GOULDER, Cleveland. Harvey D. Goulder was born in Cleveland on the 7th day of May, 1853. His father, Christopher B. Goulder, was one of the pioneer captains on the great lakes, the master of a vessel over sixty years ago. Born in England he came to the United States in the early thirties, settling first in Detroit and afterwards removing to Cleveland, where he resided until his death. His mother, Barbara Freeland, was a native of Scotland, and when a child came with her parents to this country, settled first in New York State and about sixty years ago came to Cleveland. Young Goulder's education was obtained in the public schools of Cleveland and he was graduated from the Central High School in 1869, at the age of sixteen. During his school days his summers were spent sailing on the lakes. After leaving school, having determined to study law, he entered the law office of Tyler & Dennison and for three years read law, and the remainder of the year served as ship's mate on the lakes. When nineteen years old Judge Tyler advised him to give up navigation, as he by this time had a thorough knowledge of sailing, and, being too young to be admitted to the Bar, he accepted a position as entry clerk in the wholesale house of Alcott, Horton & Co. Here he remained two years. He then entered the office of the late John E. Cary, the great admiralty lawyer of the lakes, and continued his studies with Mr. Cary until the latter's death in 1874. In the spring of 1875 he took his examination and was admitted to practice. He at once opened an office and practiced alone for considerable time. Later he formed two partnerships, but they were purely experimental and lasted only a short time. He was then alone until January, 1893, when the present partnership with Samuel H. Holding, under the firm name of Goulder & Holding, was formed. While he has at all times enjoyed an active general practice, he is better known as an admiralty lawyer. The firm no doubt has the largest admiralty practice of any firm located anywhere in the lake region of this country. They are employed on one side or the other of almost every important case. He has successfully fought every effort made by the railroads to bridge the Detroit river, and has



Harvey D. Goulden.

clearly demonstrated that it is practicable to tunnel the river. He is the general counsel for the Lake Carriers' Association and one of the leading spirits in its work. Mr. Goulder is a director in a number of transportation, financial and mining companies. He is a representative citizen, taking great pride in his native city, and is always ready and willing to take an active interest in anything that will tend to promote its good and welfare. He is a director of the Cleveland Chamber of Commerce, and a member and chairman of some of its most important committees. In politics he is a Republican, but has never held office. In 1878 Mr. Goulder married Mary F. Rankin, daughter of Rev. J. E. Rankin, D. D., president of Howard University. There are no children by this union.

ALFRED KELLEY, 1789-1859. The history of the State of Ohio, and particularly the Western Reserve, presents few equals and no superiors to the Honorable Alfred Kelley, in strength and integrity of character and versatility of achievement. He proved himself the equal of his distinguished ancestors. His great-great-grandfather, Joseph Kelley, was one of the first settlers of Norwich, Connecticut, whence his great-grandfather, Joseph Kelley II., removed to Vermont at an advanced age, and died in 1814. Daniel Kelley, the grandfather of Alfred, was born and brought up in Norwich, where Daniel Kelley II., Alfred's father, was born, November 27, 1755. Daniel Kelley II. was married January 28, 1787, to Jemima Stow, a daughter of Elihu Stow, and a sister of two prominent judges, Joshua and Silas Stow, of Lowville, New York. Alfred was one of a family of six sons, and was born in Middletown, Connecticut, November 7, 1789. When he was nine years of age the family moved to Lowville, New York, where his father was principal judge of the Court of Common Pleas of Lewis county, and also one of the founders of Lowville, Academy and president of its board of trustees. The family moved to Cleveland, Ohio, subsequently, where Daniel Kelly served as president of the village from 1816 to 1819. He was one of the incorporators of the "Cleveland Pier Company;" was the fourth postmaster of Cleveland, and died August 7, 1831. Alfred Kelley received his education in the academy at Fairfield, New York, and read law at Whitesborough with Jonas Platt, one of the judges of the Supreme Court. In the spring of 1810, with Joshua Stow, his uncle, and some others, he made the journey to Cleveland on horseback. His arrival was most fortunate for him as well as for Cuyahoga county, whose courts had just been organized. Although there was one lawyer in Cleveland at that time, he had never entered upon active practice, so it may be claimed Mr. Kelley was the first lawyer of the village. On the 7th of the following November, the twenty-first anniversary of his birth, he was admitted to practice on motion of Peter Hitchcock, of Geauga county, prosecuting attorney, whom he was immediately appointed to succeed. He held this office until 1821, when he declined further appointment. The first Monday of June, 1815, Mr. Kelley was unanimously elected the first president of "Cleveland's first village official staff,"

a position from which he resigned, being succeeded by his father, within a year. As prosecuting attorney he brought to trial and convicted John O'Mic, an Indian, the first person tried for murder and executed in Cuyahoga county. The Indian was ably defended by Peter Hitchcock. In August, 1816, Mr. Kelley was elected president of the Commercial Bank of Lake Erie, the first bank established in Cleveland. It failed in 1820; was reorganized in 1832, and resumed business after paying off its liabilities, consisting of less than \$10,000, due the treasurer of the United States. In 1814 he was elected representative in the State legislature, and was the youngest member of that body. He continued to represent Cuyahoga county at intervals until 1822, when he was appointed one of the canal commissioners. As early as 1820 there was some legislation in Ohio on the subject of joining Lake Erie and the Ohio river by a canal, and on the 31st day of January, 1822, an act was passed authorizing the appointment of a commission to examine into the feasibility of the project. The act named the commissioners. Alfred Kelley was supervising commissioner during its construction, performing his duty with such fidelity and economy that the actual cost did not exceed the estimate. The dimensions of the Ohio canal were the same as those of the Erie canal of New York, but had almost double the number of locks, and yet the Erie canal cost \$19,679 per mile. The Ohio canal cost \$15,300 per mile, being less than that of any other canal constructed on this continent. The work was finished about 1830. The labor, for want of adequate facilities, was onerous, but Mr. Kelley's indomitable will and iron constitution overcame all obstacles. He neither charged nor received pay for his first year's services, and received only three dollars a day for the remainder of the time! During the construction of the canal Mr. Kelley moved to Akron, and later to Columbus, where he resided the remainder of his life. The eight years he had devoted to the exacting duties of canal commissioner told heavily upon his health. When the work was completed he resigned, and retired to private life. In 1836, however, he was elected to the State legislature from Franklin county, and was his own successor for two following terms. In the presidential campaign of 1840, Mr. Kelley was chairman of the Whig State central committee. The same year he was appointed State Fund commissioner, where he displayed his accustomed force and integrity. Ohio, like most of her sister States, was tempted to be dishonest, but thanks to Alfred Kelley she did not yield to the temptation. A strong faction in the legislature in 1841 and 1842 advocated the non-payment of the interest accruing upon the State debt, and even the repudiation of the debt itself. Mr. Kelley, feeling keenly the impending disgrace to his State, went to New York and succeeded in obtaining a loan of nearly a quarter of a million dollars on his own personal security. With this the interest on the State debt was paid when due. He was one of a committee of three that adjusted the matter and saved the State's credit. Mr. Kelley was elected to the State Senate in 1844. While senator he drafted the bill to organize the State Bank of Ohio, and other banking companies, which was almost universally conceded to be the best banking law then known in American legislation. While in the House, in 1818, Mr.



A. H. Holden

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Kelley was the author of the first bill to abolish imprisonment for debt ever presented to a legislative body. It did not become a law, but he clearly foresaw that sooner or later justice would demand such a measure. In a letter to a friend he said: "The time will come when the absurdity as well as the inhumanity of adding oppression to misfortune will be acknowledged." Mr. Kelley became president of the Columbus & Xenia Railroad at the close of his senatorial term, to which he devoted his energy and influence until it was completed. In 1847 he accepted the presidency of the Cleveland and Cincinnati Railroad, and new life was instilled into the enterprise, which had languished for several years. Under his management it was completed in February, 1851. It is related that he dug the first wheelbarrow full of earth and dumped it to save the charter, by a show of work, on the right of way, and as a compliment he was allowed to lay the last rail. In 1848 Mr. Kelley became one of the projectors of the Cleveland, Painesville and Ashtabula Railroad, and in 1880 became its president. He resigned the presidency of these roads on their completion, but remained a member of their several directories until his death. Mr. Kelley was again a member of the Ohio senate in 1857. His physical strength was much impaired, but he attended the sessions and was influential in passing important laws—especially in relation to taxes. He died December 2, 1859, leaving behind him many valuable monuments of his patient, useful toil. He was married in 1817 to Mary S. Wells, of Lowville, New York, and eleven children were born of the union.

SAMUEL HOWARD HOLDING, Cleveland. Mr. Holding was born in Philadelphia, Pennsylvania, January 27, 1858. On his paternal side he is of English ancestry. The first of his ancestors in this country settled upon the eastern shore of Maryland about 1763. His grandfather removed to Smyrna, Delaware, where Mr. Holding's father was born, who in 1854 removed to Philadelphia, in which city he subsequently became engaged in mercantile business. He died in 1865. His maternal ancestors were Scotch on one side and French Huguenots on the other, the former being among the early settlers of Baltimore, Maryland, and the latter being among the first of those exiles to settle in Virginia. Mr. Holding received a public school and academical education. In 1877 he commenced the study of law under the direction of Robert Emmett Monaghan, of West Chester, Pennsylvania, and later in the office of Daniel Dougherty, of Philadelphia. He was admitted to the Bar March 11, 1880, and shortly thereafter came West to practice, locating in Cleveland, August 7, 1880, as attorney in the legal department of the Cleveland, Columbus, Cincinnati and Indianapolis Railway Company. He resigned his position October 1, 1886, and went to Cincinnati as member of the firm of Matthews, Holding & Greve. Withdrawing from this firm January 1, 1888, he again entered the legal department of the same railway as assistant general attorney. He remained with the company after its consolidation

under the name of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company. On December 1, 1892, he was removed to Cincinnati, where the general offices were located, and resigned January 1, 1893, to form a partnership with Harvey D. Goulder, in Cleveland, under the present firm name, Goulder & Holding. During his connection with the railway company he engaged in the trial of cases throughout Ohio and Indiana, and since that time he has been a special attorney for the trial of cases for that company. The firm has a very large admiralty practice along the great lakes, besides business of a general nature. Mr. Holding is a Democrat, but never held office. He was a delegate to the National Convention at Chicago in 1896, but disagreed with the platform and was one of the first to withdraw from the convention. He was one of the forty-five who determined upon the organization of the National Democratic party in the "Sound Money Conference" of Democrats from eleven States, which assembled at Chicago, July 23, 1896. He afterwards represented Ohio on the Provisional National Committee and is now State chairman of that party.

WILLIAM L. McELROY, Mount Vernon. The subject of this biography was born near Howard, Ohio, October 6, 1865. His father, James R. McElroy, was of Scotch-Irish descent, and his mother, Frances E. Mast, of German and Scotch lineage. He was reared on his father's farm, engaged in the usual farm work and attended the district schools until he was fourteen when he entered Butler University, at Irvington, Indiana. After remaining there one year he went thence to Bethany College, West Virginia, where he pursued the classical course, from which he was graduated, receiving the degree of Bachelor of Arts, June 18, 1886. His scholarship entitled him to first honors of his class and to him was awarded the honor of delivering the Greek oration. Mr. McElroy, having completed his scholastic education, returned to his home in Ohio and entered the law office of William M. Kuns, at Mount Vernon, under whose instruction he was fitted for the Bar. December 6, 1887, he was admitted by the commission of the Supreme Court at Columbus to practice in all the courts of the State. Immediately thereafter he opened an office and entered upon the practice in Mount Vernon. August 11, 1888, he was nominated in the Republican county convention for prosecuting attorney, and on the 6th of November following was elected, being the first Republican to hold that office for more than twenty years. Mr. McElroy has been successfully engaged in the practice continuously since his admission to the Bar, devoting himself to litigated cases. He studies his cases well and is widely informed in the law as well as general literature. He takes an active interest in politics and has been frequently chosen a delegate to district and State conventions of his party. In 1894 he received the hearty support of the Knox county delegation in the Congressional convention of the Fourteenth District held at Mount Vernon. He is still unmarried and resides with his aunt, Mrs. Catherine Coleman. Mr. McElroy is a bright young lawyer of good abilities, studious habits

and high promise. With his intellectual equipment, classical scholarship, application to the business of informing himself in the literature of his profession, his prospect of success as a lawyer is unclouded, provided he continues to give his whole mind and all his talents to the profession. There is little doubt indeed of his attaining distinction at the Bar before reaching middle life. Should he be influenced by the gilded promises of politics and seek preferment at the hands of his party, his ambition, personal character, knowledge of practical politics and undoubted qualifications for public office will be serviceable in securing for him high position.

MICHAEL DONNELLY, Napoleon. Judge Michael Donnelly was born in Henry county, Ohio, August 18, 1856, of parents who emigrated from Ireland and settled on a farm in that county. During boyhood he worked on the farm and attended the public schools. At the age of sixteen he entered the famous Normal University at Lebanon and completed the course therein, teaching a part of the time in order to support himself and make practical use of his acquirements. He was graduated in 1878, and took up the study of law in the office of Honorable Justin H. Tyler, at Napoleon. At an early age he discovered in himself a very strong inclination toward the law, and his purpose to qualify himself for practice was formed while yet a school-boy. This purpose was resolutely maintained, and he therefore engaged in the preliminary reading with heartiness and zest. He was admitted to the Bar in December, 1880, and was at once received into a partnership by his preceptor, Mr. Tyler, under the firm name of Tyler & Donnelly. This partnership was maintained until 1886, when Mr. Donnelly was elected Probate Judge of Henry county, as the candidate of the Democratic party. Before the close of his first term he was re-nominated and re-elected, serving as judge for six years. Upon retiring from the Bench he resumed the practice of law and succeeded in establishing himself in a profitable business while building up and extending his reputation as a lawyer. In 1894, he received the Democratic nomination for judge of the Court of Common Pleas, but was overtaken by the Republican landslide which buried all opposition in November of that year. Even candidates for the judiciary did not escape. Mr. Donnelly's activity in support of his party for fifteen years prior to that time, and his astuteness as a politician, counted for naught in a campaign like that of 1894. An overwhelming majority of the people took occasion to register a protest against certain policies inaugurated at Washington, and many voters, either discontented or displeased, remained away from the polls and permitted the opposition to register the protest. Mr. Donnelly is possessed of unusual business sagacity and a strong will. Receiving no aid from others, he learned very early the lesson of self-dependence and self-reliance. He took the measure of his own capacity pretty accurately by the things accomplished and the means employed, and early became closely observant of life in its various aspects and

the affairs with which men concern themselves. He has always been practical and methodical, working with an aim in view and making effective use of every force or influence available for success. He was the active, working influence at Napoleon which secured the Lima Northern Railroad for Henry county. The projectors had other plans, intending the road should take a different course, but the active interest and persistent efforts of Judge Donnelly succeeded. His activity has been uniformly enlisted in behalf of enterprises promotive of the public welfare. He was married July 5, 1886, to Miss May Vocke, of Napoleon, and has a family of one daughter and three sons. He is a member of the Roman Catholic church. A personal friend and capable member of the Bar furnished the information that Judge Donnelly's strong point is his remarkable faculty for business. He is naturally and easily a money-maker. His instinct for business is keen, his sense of adaptation strong, and his discernment clear. His mind works rapidly and accurately. He is quick to apprehend every point in a law case or business transaction. He aims directly at the principles of the law on which any case depends, and devotes himself with tireless industry to the search and examination of authorities, either sustaining or combating his theory. He studies sedulously and is exceedingly accurate in the preparation of his pleadings. He has laid a substantial foundation in the law, and is careful as well as methodical in the trial of cases. He presents and sums up his cases before a court and jury in admirable style, and at the same time very effectively. He reasons well and powerfully. He has built for himself an irreproachable character, and has maintained a spotless reputation in his domestic relations as well as the larger arena of his professional and business activities. His gentleness is indicated by his abounding love of children.

WALTER C. ONG, Cleveland. Honorable Walter C. Ong, judge of the Court of Common Pleas, was born in Smithfield township, Jefferson county, Ohio, on the 24th day of November, 1851. His father, Moses H. Ong, was a farmer and a native of Ohio, whose grandfather, a Quaker minister, came to the State at the beginning of the present century from Westmoreland county, Pennsylvania. The Ongs are of English descent. Members of the family emigrated to America and settled in Pennsylvania not long after William Penn founded his Quaker colony. His mother, Mary Cane, was a native of Ohio and was descended from Scotch stock. Her family settled first in Virginia and came to Ohio in the early days. Young Ong's primary education was obtained in the district schools, from which he was received into the high school at Mt. Pleasant, Ohio. Afterwards he entered Richmond College, where he was graduated in 1870, after completing the classical course. Having selected law for his profession he entered the law office of W. P. Hayes at Steubenville, where he remained one year. He then entered the Law Department of the University of Michigan, in which he derived much benefit from lectures by the first and probably the greatest faculty of that Department—Thomas



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Walter C. Ong

M. Cooley, the late James V. Campbell and the late Charles I. Walker—all of whom were not only eminent in the profession, but also exceptionally capable and masterful instructors. He was graduated as a Bachelor of Laws in 1874. Returning to Ohio at once he went to Columbus and was admitted to the Bar of the State by the Supreme Court. He commenced practice at Steubenville alone. In the fall of 1875 he was elected prosecuting attorney of Jefferson county, and subsequently was re-elected, serving two terms of two years each. In 1879 he formed his first partnership, with Charles Reynolds, the firm being Ong & Reynolds. This partnership lasted only a year, when it was dissolved, and he became associated with John A. Mansfield, now of the Common Pleas Bench. The style of this firm was Ong & Mansfield, and the partnership lasted until 1882. Mr. Ong having determined to locate in Cleveland, arrived there June 27th of that year and at once opened an office and practiced alone until 1884, when he formed a co-partnership with F. C. McMillan, under the name of Ong & McMillan. This relation was continued six years. On January 1, 1891, he formed a partnership with Walter Hamilton, a son of Judge E. T. Hamilton, who was for twenty years a judge of the Court of Common Pleas at Cleveland. Ong and Hamilton remained together until the 1st of February, 1894. On the 9th of February in that year Judge Ong took his seat on the Common Pleas Bench, to which he had been chosen at the fall election in 1893. From 1886 to 1888 Judge Ong represented the Twentieth ward in the city council. He is a Republican with convictions on the subject of finance and coinage, and is enrolled with the members of his party who openly declare themselves in favor of independent bimetalism. Judge Ong while at the Bar enjoyed a large practice. He is quick and outspoken, always having the courage of his convictions. He is a fair, impartial judge and has shown great clearness and force in the interpretation of the principles of law. In 1875 he married Anna M. Mansfield, and there are two children from the union, a daughter and a son.

ELGIN A. ANGELL, Cleveland. E. A. Angell was born at Hanover Centre, Chautauqua county, New York, on the 14th day of August, 1849. His father, C. D. Angell, has for years been in the oil business, and now engaged at Pittsburg in the buying and selling of oil lands. On the paternal side he is descended from Thomas Angell, who came over with Roger Williams in 1632, and was related to him. The family settled in that part of New England known as the Providence Plantations, afterwards Rhode Island. The great-grandfather went to Berkshire county, Massachusetts, in 1778, and thence to New York State, where he died. The grandfather was one of the pioneers of western New York. His mother, Lucina Sheppard, was born in central New York, her family being among the earlier settlers of that part of the State. At the age of thirteen Elgin was sent to the Belleville Seminary, at Belleville, Canada, where he remained for two years. On his return home he remained out of school for three years, and during this time received instruction at home.

In 1869 he entered Harvard College, taking his degree of B. A. in 1873. After graduating he at once entered the law department of the college and took his degree of LL.B. in 1875. In college he was a close student of history and political economy. This no doubt greatly influenced him in the selection of law as his profession. In the spring of 1876 he was admitted to the Bar at Youngstown, where he practiced for ten months. He then removed to Cleveland and practiced alone until 1884, at which time he formed a partnership with Mr. J. H. Webster, the firm being Webster & Angell. Mr. Angell, while active in the practice of the law, has found much time to devote to historical and economic questions, has written many articles on these subjects and delivered a number of addresses. A recent and very able paper on "The Tax Inquisition System in Ohio" was published in the February number of the *Yale Review*. In 1893 he was appointed by Governor McKinley a member of the Ohio tax commission, serving until the first of January, 1894, when the commission made its report. Since that time he has served on two committees appointed by the Cleveland Chamber of Commerce, each committee making reports which have been published. He has been a contributor to the reviews of this country devoted to the discussion of economics. The laws of heredity teach us that man is the sum of his ancestors, but to view him properly we must take into account all the modifications of education and surrounding circumstances. On both sides of the house the subject of this sketch is descended from historical families, who have contributed much to the glory and good of our country. With a thorough education and a broad, practical experience acquired before reaching the prime of life, it is safe to predict greater achievements. As a historical and economic writer and in his profession as a lawyer his influence in the community has been felt. By the Cleveland Bar he is considered an authority on all questions relating to taxation. A man of high moral character, straightforward, prompt and candid in all business and social duties, he has the respect and confidence of all who know him. Until three or four years ago his practice was of a general character, not confined to any particular branch of the law. Now, however, it is confined almost entirely to litigated patent cases. He does no soliciting, leaving that to the regular patent solicitor. In politics he is a Republican, but he has never been an office-seeker and has never held political office, preferring to devote himself to the work for which he is so ably equipped and well suited. He has, however, made a number of political speeches. In 1887 he married Lily Curtis, of Connecticut, and by the union has two children, a son and daughter, both living.

ALBERT J. MICHAEL, Cleveland. A. J. Michael was born in Ross county, Ohio, October 12, 1849. His father, John Michael, a farmer, was the first child in his family born in the State after his parents moved from Baltimore, Maryland, and located in the Virginia Military District. Mr. Michael is related to Thomas Jefferson, his grandmother on his paternal side being a



BENJAMIN F. POWER

niece of Jefferson. His mother, Katharine Hauser, was also the first child in her family born in Ohio after her parents came to Ross county from Leesburg, Virginia. On the maternal side he is related to the McDowells of Virginia, one of whom was governor of that State. On both sides of the house he is of English extraction. Young Michael's early education was obtained in the public schools at Chillicothe. In 1869 he entered Ohio University, graduating with honors in 1872. Afterwards he took a special course in Harvard University, at Cambridge, Massachusetts. Having been compelled to educate himself he found himself in debt when his collegiate education was completed. He accepted the superintendency of schools at Monroeville, Ohio, which position he held for five years. Afterwards he held a similar position for one year at Youngstown. Having determined upon law as his profession when in College, he devoted as much time as could be spared to the study of law. In 1880 he came to Cleveland and entered the office of Judge C. E. Pennewell, under whose directions he completed his studies, and in 1881 was admitted to practice. He at once opened an office, and has since devoted himself industriously to his profession. He now enjoys a large and lucrative business. Mr. Michael has always practiced alone, never forming a partnership. In politics he is a Republican, always taking a great interest in the work of his party, and whenever necessary has given much time to public speaking. In the last campaign he made many speeches for McKinley. Mr. Michael was for one term (two years) a member of the Cleveland city council, the second year of the term being the president of that body. He served one year as a member of the park and boulevard commission, rendering most valuable services to that important body. He was for fifteen years a member of the board of examiners of public school teachers for Cleveland, and for nine years president of the board. Mr. Michael is highly respected in Cleveland. He is industrious and painstaking in his work, and has shown marked ability in his profession for one so young in practice. He has never married.

BENJAMIN F. POWER, Zanesville. Mr. Power was born near McConnellsville, June, 1837, and died at Zanesville, September 8, 1895. During all the interval of fifty-eight years he was a resident of the State of Ohio. His parents were both natives of Virginia. They emigrated to Ohio in 1837 and settled on the farm where Benjamin was born. The family was numerous, and the father's means were limited, necessitating the incessant labor of the sons for the common support of all the members. On this account the early education of Benjamin was sadly neglected. He never attended school of any kind until he reached the age of sixteen. He had mastered the common branches usually taught in the public schools of that day at home, so that after attending school for a period of eighteen months he received a certificate to teach in the district schools, an avocation he followed for several years during the winter, attending Ohio University, at Athens, during the summer. He

had decided on the law profession for his life work and occupied his leisure hours while teaching in the study of law privately and under the instruction of the late Judge Hanna, of McConnellsville. In the meantime the civil war broke out, and his sense of duty to his country impelled him to sacrifice personal ends for his country's welfare. He enlisted in Company C, 122d Ohio Volunteer Infantry, August 16, 1862, at Zanesville, for three years or during the war. While in camp at Zanesville, before going to the front, he passed examination before the Circuit Court and was admitted to the Bar to practice in the courts of the State. After a few months' service in the Shenandoah Valley of Virginia his regiment was attached to the Army of the Potomac, and was with it to the end of the war. Mr. Power entered the ranks as a private, was promoted to first sergeant, commissioned first lieutenant June 27, 1864, and captain December 7 of the same year. He, with his regiment, participated in Grant's Virginia campaign, and was in the engagements at Front Royal, the two weeks' fighting in the Wilderness, Spottsylvania Court House, Cold Harbor, Bermuda Hundred, Petersburg and the Monocacy and the wind up at Sailor Creek and Five Forks. He was mustered out of the service after taking part in the grand review at Washington in July, 1865, at Columbus, Ohio. Returning to his home in Morgansville, in Morgan county, he soon after began the practice of his profession at McConnellsville, in partnership with Colonel William H. Ball, who in later years became one of the most prominent attorneys at Zanesville, and for several years judge of the Court of Common Pleas of Muskingum county. Mr. Power was the inventor and patentee of an elliptic spring for use in railway cars and road vehicles. The law firm of Ball & Power was dissolved after several years' duration to permit Mr. Power to give his attention to the manufacture of this spring, a company having been organized for that purpose. The spring came into general use on railroad cars, and there was a time when Mr. Power could have sold out his interests in the business and patent to great pecuniary advantage. The manufacturing business proved disastrous in the end, on account of the J. Cook & Co.'s failure, which caused the worst financial disasters in manufacturing in the history of our country, and he lost both his investment and time given to the business. After the failure of this venture he returned to McConnellsville and resumed the practice of law alone, continuing there for several years, when he removed to Zanesville, forming a partnership with Judge W. A. Brown, of that city. This association continued until Mr. Power removed to Dresden, in 1874. He resided there, practicing his profession for six years, and during that time built up a large practice. In 1880 he was elected prosecuting attorney of Muskingum county, and was re-elected a second term in 1884. Accepting the office of prosecutor made it necessary to remove to Zanesville, and at the close of his official term he continued to practice in that city, in partnership with Mr. H. F. Achener, which continued for about two years, when the firm was dissolved and a partnership was formed with his son, Edwin E. Power, under firm name of Power & Power, which remained in effect until the death of the senior member of the firm.

Mr. Power was a typical representative of the self-made men of the country. He had no education until he himself realized the necessity for it, and then it was obtained entirely by his own efforts. He achieved distinction in the military service, and rose to a prominent position in his profession by virtue of his own indomitable will, perseverance and force of character. As a lawyer he achieved the greatest success in criminal practice, though he made no claim of being a specialist in this line of business. He was the author of the system under which the Zanesville work house is operated, which has proved so beneficial that it has been duplicated by many other towns and in other States. He was a prominent factor in bringing about the erection of the beautiful Memorial Building in Zanesville, by Muskingum county, for the benefit of the soldiers and sailors of the volunteer army of 1861-5. Mr. Power was a member of the Democratic party, of which he was a leader for many years in the community where he resided. While active in party management, he never sought preferment for himself, the only office he ever accepted being in the line of his profession. He was a member of the I. O. O. F. and the G. A. R. He affiliated with the Christian Church, of which he was an honored member. He was married in 1860 to Miss Aurelia M. Scott, daughter of Alvin and Melissa Scott, of McConnellsville. They had five sons, of whom Edwin E. was the eldest. Mr. Power was recognized as a useful citizen and was highly esteemed. Said a prominent attorney of Zanesville:

"B. F. Power was one of our successful lawyers, though as a jurist he did not rank in the highest class. His greatest ability was as an advocate and trial lawyer. He was a man who had excellent command of himself on his feet, and his ability to state before a jury all he knew about a case in the strongest form was remarkable. In some respects he was a brilliant man, but was not particularly fond of study or office details of the profession. I do not wish to be understood as implying that he was disinclined to work; he was an industrious man. His mind was too active to contentedly dwell on abstract questions of law. The active part of the practice suited him better, and he was also better adapted by nature for the trial and argument of cases. He had a very receptive mind, quick perception, and an extensive vocabulary—qualifications that fitted him well for a trial lawyer. His reputation as a criminal lawyer was high, and as an office lawyer he was above the average. He was a man of great versatility, and would have been successful in business had he devoted himself to that instead of a profession. His military record was excellent. He was a brave soldier, and arose to a command because of conspicuous gallantry on many fields of battle. He was a useful citizen, and had the esteem of the public of the community as well as of the profession."

Edwin E. Power, successor to Power & Power, is a native of Morgan county, and his literary education was obtained largely in the public schools of Zanesville. He graduated from the high school of that city, after which he took a course in the Ohio University, at Columbus. In 1889 he took up the study of law in his father's office, and in 1892 was admitted to the Bar by the Supreme Court. He at once entered on the practice of his profession, in partnership with his father, and has ever since been in active practice alone, since his father's death. He had the prestige of an established business, and is

maintaining himself well in the practice of law. He is a member of the order of Red Men and of the Masonic order. In politics he is a Democrat, and is quite active in local party management; was chairman of the county central committee for the year 1895. He is studious and upright, and has the respect of the profession, and of the public wherever he is known.

JAMES M. THOMAS, Chillicothe. James Milton Thomas is a native of Ross county, the son of Archibald and Mary Norris Thomas, born April 24, 1858. He is a descendant of Samuel Thomas who emigrated to America in 1620 as one of the Mayflower's sturdy passengers and settled in New England. His grandfather, Samuel Thomas, and grandmother, Jane Payne, were both natives of Maryland who married and lived in Virginia until 1818, when they moved to Ohio and located a homestead in that part of Ross county which is now included in Pickaway. The locality was known as the Deer Creek settlement. That homestead scattered three generations of the family, two of whom, the father, who was born in Virginia in 1814, and grandfather of our subject, died there. Both the Paynes and Thomases are of Welsh descent. Archibald Thomas was the only son of Samuel Thomas and Jane Payne, but had three sisters. He was highly respected in the community and lived until 1888. He was married twice, the first time to Miss Sarah Ater, by whom he had two children: William A., who is a citizen of Pickaway county, and Mary A., wife of John J. Junk, of Judsonia, Arkansas. His second wife was Mary E. Norris daughter of Leonard and Dorothy Shepard Norris, who were likewise natives of Maryland. Her grandfather, Arnold Norris, was an officer of the Revolutionary army, in which other relatives also rendered valiant service. James Milton was the sixth of nine children born to Archibald Thomas and Mary E. Norris, his second wife. He sprang from patriotic and puritan ancestors, brave and reliable in the military service of the country and true to their convictions in the civil service. He worked on the farm and attended the district school until he was seventeen years of age, having qualified himself for teaching in the meantime. For three years thereafter he engaged in teaching and in 1879 entered Ohio Wesleyan University, at Delaware, with a view to completing his scholastic education. He did not remain for the full course, but resumed teaching at Clarksburg and at the same time pursued the study of law in its preliminary stages. Afterwards he continued his legal studies in the office of Judge William H. Safford, until his admission to the Bar in June, 1884, and then immediately entered upon the practice in Chillicothe. Having a good knowledge of the principles of law, a general acquaintance in the community and the full confidence of the public, as well as his colleagues at the Bar, he soon built up a profitable practice, which continued to increase until 1893, when he was elected Judge of Probate. Judge Thomas is an active member of the Republican party, whose candidate he was for mayor in 1885. The Democratic majority was too great to be overcome, but he succeeded in



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JAMES M. THOMAS.

reducing it about one-half. He was married October 18, 1887, to Miss Flora E. Wayland, whose father is a merchant of Chillicothe. Four children are the offspring of this marriage: William A., Julia E., Lulu W. and Virginia E. His membership with that of his family is in the First Presbyterian Church of Chillicothe. The only fraternity or benevolent society to which he belongs is the Order of Elks and in this he is prominent. The opinions of prominent associates of the Bar may be accepted as the basis of a correct estimate of his qualities and characteristics. One says:

"Judge Thomas is universally popular, is genial, social and very approachable. Although a young man he has been very successful; is very thorough in whatever he undertakes and is more concerned about doing his duty than to secure fame. He stands very high socially. He had a fine office practice and a large business in settling up estates; his advice was sought and trusted by all."

A judge of high reputation says:

"Judge Thomas is a man of good education and fine intellect—a solid man; not particularly brilliant, but a sound, safe man of good judgment; a safe counsellor who stands as well as any young man at this Bar. He is universally popular; has a good legal mind, well versed in the principles of the law; is a very good trial attorney, quick to discern the strong points in his case and careful to avoid those that endanger it; is a fine commercial lawyer, but is more than a commercial lawyer—a universal lawyer is more appropriate. He is a pleasant speaker, has a ready use of language and a nice discrimination of points. In his present position he is rendering great satisfaction; is upright and thoroughly honest, and his judgments are usually satisfactory."

ANDREW R. BOLIN, Circleville. Honorable A. R. Bolin, a native of the city in which he resides, was born in January, 1849. His parents were John P. and Mary A. (Brannon) Bolin, the former of French and the latter of Irish descent, and both natives of Martinsburg, West Virginia. Mr. Bolin's paternal grandfather came to America from France in the early part of the present century and lost his life in defense of his adopted country during the War of 1812. He died at Norfolk, Virginia. At that time the family name was spelled Boleyn, but the succeeding generation dropped the "y" and eventually adopted the present mode of spelling the name. John P. Bolin, the father of our subject, married and came to Ohio in 1834, settling first in Jackson township, but later removed to Circleville, where he engaged in contracting and building, but spent the later years of his life at Harrisburg, Franklin county, in the vocation of a hotel keeper. Andrew was the youngest in a family of seven children; his preliminary education was in the public schools of his native town, but at the early age of twelve years he was thrown on his own resources. Young as he was he appreciated the value of an education and bent all of his slender resources in that direction. At the age of seventeen he had completed the course in the Circleville public schools, then followed teaching and other avocations by which he could earn an honest penny. In 1867

he entered Miami University at Oxford, Ohio, and was graduated from that institution four years later with the degree of Bachelor of Arts, receiving the honors of his class. At a later period the faculty conferred upon him the degree of Master of Arts. Mr. Bolin had chosen the law profession for a life work and immediately after leaving college took up legal studies which he pursued for about one year, first with Judge Olds, now of Columbus, and later with Henry F. Page, a leading member of the Circleville Bar, now deceased. In 1872 he entered the Law Department of the Cincinnati College, from which he was graduated the next year with the degree of Bachelor of Laws. He was admitted to the Bar in the same year and at once entered upon the practice of his profession at Circleville among the friends of his youth by whom he was honored and respected for the gallant up-hill fight he had made to get a start in life. His natural ability, fine attainments, and industry soon brought him into prominence in his profession and obtained for himself a clientage that extended far beyond the usual boundaries of the Pickaway county Bar. He has taken an active part on one side or the other in most of the important litigations that originated in his county during the past twenty years. A few of the cases in which he took a leading part that attracted widespread attention was the "Thomas Brown Will Case," involving some \$300,000 worth of property in which he succeeded in his contentions for sustaining the will. Another will case that was important in which he was one of the counsel was the McArthur case, in which on the different sides of the case were engaged many of the most eminent lawyers of the State. One of the most hotly contested cases ever tried in Pickaway county was what was known as the Bond-Renick Contract case. Mr. Bolin was one of the leading counsel for the plaintiff, assisted by Job E. Stevenson, A. J. Cunningham and J. K. Love, of Cincinnati. The trial occupied six weeks and cost nearly \$25,000. The defendants won, but the verdict was set aside and a new trial granted, and finally the case was compromised. He has also established more than a local reputation as a criminal lawyer, and in that capacity is often called to practice in outside districts. He in recent years defended four murder cases, that of the State of Ohio vs. Bechtel; State vs. Newlen; the State vs. Shaw, and the last one the State of Ohio vs. Josephine Purcell, which was tried in July, 1896. In every case he obtained a verdict of acquittal except the first one, Bechtel. He received a penitentiary sentence. He is known as a working attorney, and never slight the drudgery of the profession. He prepares his cases thoroughly and tries them on their merits. He sticks close to his practice and has never held office or engaged in any outside business that took his attention from his professional work except as a member of the general assembly of Ohio. One of his senior colleagues of the Circleville Bar, in referring to the professional side of his life, observed :

"Mr. Bolin is a good all around lawyer and has made himself from the start without the aid of money or influential friends. He arose in his profession by virtue of hard work and natural ability. He is very unassuming in his manner and is affable and courteous in his bearing towards his fellow men



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Virgil P. Kline

whether he meets them at his home, in public places or in the court room. He has always been a close student, but has not confined himself to his law books; his readings have covered a wide range of subjects and this no doubt has contributed in a large measure to his success as a trial lawyer and a public speaker. He has a logical mind and is able to clothe his thoughts in clear, concise and forcible language, and in the trial of important cases, or on the platform, under the spur of deep feeling his addresses are often truly eloquent. Any man who is gentlemanly in his deportment is apt to be graceful in bearing, and Mr. Bolin is no exception to the rule. He is a man of keen perceptions and always ready to take any fair advantage, but never stoops to trickery, or anything that could be construed as unprofessional. As a lawyer he stands high and as a citizen he has the respect and esteem of the entire community. In his political affiliations he is Democratic, and takes an active interest in advancing its principles, both with his ballot and on the public rostrum. As a campaign orator he has quite a reputation, often being called into border States to talk for his party."

In 1880 he was a candidate for presidential elector on the Hancock ticket, and in 1888 he was the nominee of his party in this congressional district, but as it had at that time a nominal Republican majority of 4,000 he was not elected; but his popularity was such that he reduced this by nearly 1,500 votes. He is prominent in Masonic circles, is Past Master of the Blue Lodge, High Priest of the Chapter and Eminent Commander of the Scioto Commandery Knights Templar of Circleville, a thirty-second degree Mason and a Shriner, and has been a delegate to the grand bodies. Mr. Bolin was married April 8, 1875, to Miss Sophronia Rector, daughter of Edward and Sophronia Rector, one of the oldest and most prominent families of Pickaway county. They have two children living: Stuart R. and Mabel E. Bolin.

VIRGIL P. KLINE, Cleveland. Virgil P. Kline was born at Congress, Wayne county, Ohio, on November 3, 1844. When a small boy his parents moved to Conneaut, Ashtabula county, Ohio, where he attended the common schools. He was prepared for college in the Eclectic Institute at Hiram, entered Williams College in 1864, and was graduated in 1866. After graduation he was superintendent of public schools at Cuyahoga Falls, Ohio, for two years. In 1869 he moved to Cleveland and began the study of law in the office of Albert T. Slade, and was admitted to the Bar in 1870. He immediately formed a partnership with his preceptor, under the firm of Slade & Kline, which lasted until the death of Mr. Slade in 1874. He then joined in partnership with John M. Henderson, under the firm name of Henderson & Kline. This firm continued until 1882, when S. H. Tolles entered the partnership, and it then became Henderson, Kline & Tolles, and so continued until January 1, 1895, when Mr. Henderson withdrew from the partnership. From January 1, 1895, to January 1, 1896, the firm was Kline & Tolles, when another partnership was formed with W. F. Carr and F. H. Goff, the name of the firm then becoming Kline, Carr, Tolles & Goff, and has since so continued.

Mr. Kline is a lawyer of fine ability, holding the front rank in his profession. No lawyer in the State is a more ready and powerful advocate, or a more industrious student of his cases, or in a higher degree commands the confidence of courts. He has an unusual talent for effective work and a recognized genius for quick and comprehensive perception and safe judgment. His clientage is made up of all classes, rich and poor. Mr. Kline has always been a Democrat in politics and in social life. Democracy is part of his nature. In the application of civil government to the affairs of men, he sees and advocates democracy as the best means by which to establish equality in accordance with justice. He has frequently been placed in nomination by his party for judicial office, for Common Pleas, Circuit Court and Supreme Court judgeships, and, although always running ahead of his ticket, he has never been elected, because when on the ticket his party has always been in the minority. For many years he has taken a prominent part in the counsels and campaigns of his party. Whether at the Bar, in politics, or on general subjects, upon which he is often invited to deliver addresses, his speeches are distinguished by clearness of thought and impressiveness of delivery, by learning and brilliancy. As a man, Mr. Kline occupies a prominent station among his fellow men. Of remarkable strength of character and of unquestioned integrity, generous in disposition and a hater of shams, his actions always inspired by lofty purpose, no man at the Bar or as a citizen has greater influence in the community in which he lives.

JAMES M. COFFINBERRY, Cleveland. The late James M. Coffinberry was born May 16, 1818, in Mansfield, Ohio. He came naturally by a strong intellect and a logical cast of mind, having inherited from his father a decided predisposition for the law and ability of a special nature. His grandfather was one of the very first settlers of Mansfield, and his father, Andrew Coffinberry, was a man of strong character and rare mental gifts, and was distinguished as a lawyer and pleader throughout northwestern Ohio. He was admitted to the Bar in 1813 and rode the circuit in the early days, and was in active practice for over forty years, and until within a short time of his death, which occurred in 1856. He was greatly respected for his exemplary habits and purity of thought, and he readily made friends through his affable and courteous manners and his keen ready wit, which never caused a sting except to him who really deserved it. He was known familiarly by his brother lawyers, particularly the younger portion of them, as "the good Count Coffinberry," and usually behind his back, and often to his face, was called "Count." So persistently was the term used throughout the country that many supposed "Count" to have been his first or Christian name. Many stories are told of the origin of this nick-name, but the most plausible one is that some one called him "Count" because of his courtly manners; everybody at once saw its applicability, and in consequence the name staid with him. Andrew Coffin-

berry was a poet of considerable ability and had an extended reputation as such in his portion of the State. In 1840 he wrote an extended poem of very considerable merit in seven cantos entitled "The Forest Rangers." It is a vivid and stirring story of the march of General Wagner's army against the Indians in 1749, and his final victory over them. James M. Coffinberry attended the common schools of Mansfield, and all his early education was obtained at them. He then studied law with his father who had moved to Perrysburg, in Wood county, gaining practical experience in the practice of the law while still a student by rendering assistance to his father, under advice. In 1841 he was admitted to practice and was at once taken into partnership by his father, opening an office at Maumee city, at that time the county seat of Lucas county. Young Coffinberry's ability and the excellence of his training soon brought him into prominence at the Bar, which in those days meant prominence in politics. He was elected prosecuting attorney for the county and was re-elected for a second term. In 1845 he removed to Findlay, where he remained for a period of about ten years practicing his profession with marked success and taking a leading position among his associates. Although he took no part in politics as a candidate for office, he had much to do with forming public opinion and wielded much influence in political affairs. This power he exercised as editor and proprietor of the *Findlay Herald*, a Whig paper. Mr. Coffinberry moved to Cleveland in 1855. Here he devoted himself exclusively to his profession and, as his reputation had preceded him, he almost immediately found himself possessed of a fine and lucrative practice. He had been in Cleveland but six years when he was induced to accept a nomination for judge of the Court of Common Pleas and he was duly elected, serving one term. Through his quick decisions of legal questions raised on trial, his impartiality and learning he gave unusual satisfaction to the Bar. Judge Coffinberry was particularly gifted in formulating charges to the jury. They were essentially logical and lucid in dealing with the law of the case, and so clearly set forth the duties of a juror in reaching a verdict that one could rarely go wrong except wilfully. His charge to the jury in the case of the State vs. Dr. John W. Hughes, who was indicted for the murder of Tamzen Parsons, of Bedford, in 1865, gained for the judge a wide reputation. The case was a celebrated one and attracted attention among laymen as well as lawyers, and it was generally acknowledged that the charge by Judge Coffinberry was one of the ablest ever delivered from the Bench of Cuyahoga county in a trial for murder. While living it was written of him, "He possessed an apparently intuitive perception of legal truths, a peculiar faculty for seizing the strong points of a case, and great power to present his arguments in an original and forcible manner. While appreciating the learning of the profession and ever mindful of its nice distinctions, he made them subservient to his own broad and liberal views." This statement is remarkable in view of the claim that while acting as judge he never had a case reversed. On leaving the bench he resumed for a time the practice of the law, but was obliged to discontinue it on account of poor health. He was naturally fond of study and

gave much of his time to reading upon scientific subjects and original investigation. Judge Coffinberry was appointed to many offices of trust and responsibility. He was one of the committee appointed by the city council to solicit funds for and erect the statue to Commodore Oliver Hazard Perry, which for many years was an object of artistic beauty adorning the public square of Cleveland. He was one of the originators of the Superior street viaduct over the Cuyahoga river, and most urgently advocated that it should be a free bridge. In politics Judge Coffinberry was an ardent Whig until the campaign of 1856, when he supported James Buchanan for President, and ever after affiliated with the Democratic party. When the War of the Rebellion broke out he was chairman of the Democratic central committee of Cuyahoga county, and at once became a "War Democrat" and zealously worked among the members of his party in bringing them into active support of the war. After the great Union convention of Ohio which nominated David Tod for governor, and over which Senator Thomas Ewing presided, he acted as the principal secretary. In 1875 Judge and Mrs. Coffinberry met with a most painful accident. They had just returned to the city from Mount Vernon where they had been to attend the wedding of their son. In crossing a track on the way from the depot their carriage was struck by a freight train and both were seriously injured, the judge suffering the loss of a leg. In January, 1841, Judge Coffinberry was married to Anna M. Gleason, of Lucas county. He died November 30, 1891.

WILLIAM B. SANDERS, Cleveland. Mr. Sanders was born in Cleveland on the 21st day of September, 1854. His father, Rev. William D. Sanders, was a Presbyterian minister and a native of Ohio, whose father came to the State in the early part of the present century, from Massachusetts, where his ancestors were among the first New England settlers. His mother, Cornelia R. Smith, was born in Ohio, her parents having also come from Massachusetts. The parents of young Sanders removed from Cleveland to Jacksonville, Illinois, when he was about one year old, his father becoming a professor of rhetoric in the Illinois College. When old enough the son entered the preparatory department of this college and in 1873 was graduated upon completion of its course of study. He then entered the Albany Law School at Albany, New York, graduating in 1875, and shortly afterwards was admitted to the New York Bar. Returning to Cleveland he became a member of the law firm of Burke, Ingersoll & Sanders. In February, 1888, he was appointed by Governor Foster a judge of the Court of Common Pleas for Cuyahoga county, to fill the vacancy caused by the resignation of Judge McKinney. At the ensuing election he was elected to the same position, having received the nomination of the Republican party without opposition. In January, 1890, he resigned to become a member of the law firm of Squires, Sanders & Dempsey, and is at the present time a member of the firm. During his official service Judge Sanders exhibited abundant evidence of the possession of the qual-



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Wm. D. Andrews

ities of mind and traits of character which serve to dignify the Bench and invest the judiciary with the attributes which command respect and deference. He kept the ermine pure and unsullied. He maintained the traditional scales in equipoise. He saw clearly the rights of litigants as disclosed in the pleadings, but never saw the parties themselves. The personality of the plaintiff or defendant had no weight, but the rights of each received most patient scrutiny from the Bench. Judge Sanders is a lawyer of marked ability and a gentleman of culture. In 1884 he married Annie Otis, a daughter of Charles A. Otis, of Cleveland. He has one daughter by this union.

JOHN CROWELL, Cleveland. Samuel Crowell was born at Chatham, Barnstable county, Massachusetts, March 10, 1742, at which place his ancestors for several generations had resided, and died at East Haddam in 1810. He married Jerusha Tracy, of East Haddam, by whom he had one daughter and five sons, the eldest of whom was William, born at East Haddam, July 10, 1771. William Crowell married Ruth Peck and had a family of fourteen children, nine of whom were born in New England. Among the latter was John, the subject of this memoir, who was born at East Haddam, Connecticut, September 15, 1801. In the fall of 1806 the family removed to the Western Reserve, settling in Rome, Ashtabula county. Mr. Crowell's family were the first settlers in the township of Rome and their nearest neighbors to the south were eighteen miles distant. The hardships which the earliest settlers were called upon to endure were severe and their privations very great. They could get comparatively none of the comforts, and even food, shelter and clothing were only to be obtained by the greatest effort. But their sturdy hearts were protected by strong arms, and log cabins rapidly began to appear and the cultivated fields soon began to crowd the forest. John Crowell's boyhood was passed in the midst of primitive surroundings. His father was a carpenter, who, with the help of his two oldest boys, built most of the frame dwellings for miles around. It was necessary for John to assist in clearing the timber land and cultivating the farm until he was of age. He occasionally attended a winter term at school and had a few months' tuition at a select school in Jefferson, and had one winter's private instruction from a Rev. John Hall, a theological student. Books were difficult to obtain, and he had few. In November, 1822, he walked to Warren, a distance of about twenty-six miles, in order to avail himself of the advantage of an academy conducted by E. R. Thompson, a graduate of Cambridge University, a capable instructor and a gentleman of high character. With some slight interruptions he continued in attendance at the academy until the year 1825, when he began the study of law with Mr. Thomas S. Webb, of Warren, with whom he remained as a student until 1827, when he was admitted to the Bar. Meanwhile he supported himself by teaching school, and for six months was principal of the academy. He opened an office at Warren and soon obtained a good

clientage. For several years he was joint owner and editor of the *Western Reserve Chronicle*, and a supporter of John Quincy Adams. Mr. Crowell's ability, ambition and industry soon procured for him an extensive practice and a commanding position at the Bar. His talents were versatile and not entirely absorbed by his profession or his newspaper. He took a deep interest in all questions bearing upon the welfare of the people, the moral or intellectual improvement of the inhabitants. He was one of the earliest advocates of temperance. He aroused enthusiasm for total abstinence and was one of the leading assistants in organizing at Warren one of the first temperance societies in the West. He was opposed to slavery, a prime mover in the colonization society, but finding the scheme impracticable, he, with Gerritt Smith and others, withdrew from the organization in 1835. Mr. Crowell took a live interest in political affairs and in 1840 was elected State Senator. He became the acknowledged leader of his party in his congressional district and was elected to Congress as a Whig in 1846. In Congress he was a member of the committee on claims and Indian affairs. In 1848 he made a speech on the subject of slavery in the District of Columbia. It was one of his ablest efforts; strong and pathetic as a plea for humanity and brilliant in its eloquence. When the admission of California into the Union as a free State was under discussion in the House he took part in the debate and argued eloquently against the extension of slavery. He served two terms in the House of Representatives and then returned to the practice of the law, removing to Cleveland in 1852, where he secured a large clientage and took high position as a lawyer. In 1862 he was elected president of the Ohio State and Union Law College, a position he filled with the greatest credit to himself and to the great satisfaction of the faculty and the students, for a period of fourteen years. His lectures were full of the philosophy of the law. The degree of Doctor of Laws was conferred on him by the college. Mr. Crowell was the editor in chief of the *Western Law Monthly* for some time. He also delivered several courses of lectures on medical jurisprudence at the Homeopathic Hospital College, was made dean of the faculty and received the honorary degree of Doctor of Medicine. He took an active interest in the Ohio State militia and for nearly twenty years held the office of brigadier general, and was ultimately elected major general. He looked upon Christianity as the basis of all true civilization, and throughout his life he was a consistent and decided supporter of the Episcopalian Church. He was mentally a well developed and symmetrical man. This was manifested by his adaptability to a number of pursuits absorbing his attention at one time and each receiving its due care without sacrificing another. He was an able lawyer, an excellent classical scholar, a fine teacher, a capable journalist, a Christian gentleman. Mr. Crowell was an invalid for some years before his death, which occurred in 1882. He was married in 1833 to Eliza B. Estabrook, of Worcester, Massachusetts, and to them were born five children, one of whom died in infancy. Of the others, John Crowell, Jr., an able lawyer and at one time a partner of General Mor-



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W F Carr

timer D. Leggett, and William Crowell are now deceased. Surviving are Julia K., widow of Colonel Henry G. Powers, and Eliza S., widow of the late Henry F. Clark, both of Cleveland.

WILLIAM F. CARR, Cleveland. Mr. Carr was born at Canal Fulton, Ohio, in 1848. He removed with his parents to Illinois when a child, where he remained until the fall of 1872, when he returned to Ohio and read law with General E. B. Finley, at Bucyrus. He was admitted to practice in 1875, and immediately settled in Cleveland, where he has since practiced. He was a member of the firm of Emery & Carr from 1876 to 1879. In the latter year Mr. Emery removed to Bryan and Mr. Carr practiced alone until 1884, when the firm of Carr & Goff was formed. In January, 1890, the partnership was enlarged and the firm became Estep, Dickey, Carr & Goff. In 1896 Mr. Carr and Mr. Goff withdrew and united with Virgil P. Kline and S. H. Tolles to form the firm of Kline, Carr, Tolles & Goff, which continues at the present time. From the time Mr. Carr was admitted to practice he has steadily and with ever-increasing respect of the Bench and Bar won his way to the front rank of his profession. He possesses in a high degree the power of long continued and exhaustive concentration in the study of his cases, and when he feels in his own mind that he has reached correct results, he conducts his case with unwavering and unhesitating fidelity to those convictions. Studious, conscientious, faithful to his clientage, fair to his opponents, honorable in his treatment of the court, he has come to be regarded as one of the most effective and forcible attorneys at the Cleveland Bar. Mr. Carr is president of the Cleveland Bar Association, president of the Colonial Club, and a member of the board of directors of the Park National Bank, and a member of the American Bar Association. He is general counsel of the Akron, Bedford and Cleveland Railroad, of the Cleveland, Painesville and Eastern Railroad, and of the Lorain and Cleveland Railroad.

WILLIAM HUBBLE FISHER, Cincinnati. William Hubble Fisher was born in the city of Albany, New York, November 26, 1843. His father was the Rev. Samuel W. Fisher, D. D., LL. D., from 1846 to 1858 pastor of the Second Presbyterian Church of Cincinnati, Ohio, and subsequently president of Hamilton College, New York. The subject of this sketch is directly descended from an officer of the Continental Army of the American Revolution. Jonathan Fisher (his great grandfather) of the Massachusetts militia, was chosen by field officers as second lieutenant in Fifth Company Northampton, 2nd Hampshire, County Regiment, Massachusetts, March 22, 1776. His mother was Jane J. Jackson, of New Jersey, descended on her mother's side from the Van de Lindas, an old Holland Dutch family, and from Peter Schuyler, the Governor

of New York. Mr. Fisher passed his boyhood in Cincinnati; entered Hamilton College, and graduated therefrom in 1864 with honor, and has recently been elected a member of the Epsilon Chapter of the Society of Phi Beta Kappa, an ancient fraternity of scholars. After a course of law at the Law School of Columbia College, New York, under Professor Theo. W. Dwight and Professor Lieber, he was admitted to the Bar of the State of New York in 1867. He practiced his profession at Utica, New York, at which time John S. Crocker, attorney in patent cases, transferred to him all his business relating to that branch of the profession. In 1870 he formed a partnership with Honorable Samuel S. Fisher, ex-commissioner of patents, in Cincinnati, Ohio. After three years the partnership was dissolved, Mr. Fisher since continuing in the practice of patent law. He is the author of Fisher's Patent Reports, Vol. I, a compilation of cases of great value to those engaged in the practice of law relating to patents. On September 10, 1873, Mr. Fisher was married to Miss Mary L. Lyons, of Lyons Falls, New York, and to them have been born four children, three of whom are now living. While at Utica, New York, Mr. Fisher, with two other gentlemen, originated the Young Men's Christian Association of Utica, an organization now strong, active, useful and vigorous, and possessing a new and handsome building, the property being valued at over \$100,000. He is an elder in the Second Presbyterian Church of Cincinnati, is the corresponding secretary and director in the Young Men's Christian Association of Cincinnati, has been president of the Cincinnati Society of Natural History, and in the line of photography he has made certain interesting inventions enabling animals to take their own pictures by day and by night. Mr. Fisher has recently been elected a member of the Western Association of Writers.

JOHN A. McMAHON, Dayton. Honorable John A. McMahon has long been recognized as a leading member of the Dayton Bar. He is a lawyer by heredity as well as by profession and successful practice. His father, John V. L. McMahon, was a distinguished lawyer of Baltimore, and held rank among the leaders of the Maryland Bar. John A. McMahon was born in Frederick, Maryland, February 19, 1833. At an early age he was sent to St. Xavier's College, Cincinnati, where he graduated in 1849, after a full collegiate course. He remained in that institution as a teacher until June, 1850. In 1852, he settled in Dayton, and became a law student in the office of the late Honorable Clement L. Vallandigham, who married the sister of his father. He was admitted to the Bar in 1854, and immediately formed a partnership with Mr. Vallandigham. Thorough preparation and diligence as a student enabled him at once to achieve a high position at the Bar, and a general reputation in the community that secured a large and important practice. He was not infrequently, before he was twenty-five years of age, opposed in the trial of causes to some of the ablest lawyers of the State. Upon one occasion, in the year

1859, he tried an important case at Dayton, in which Judge Thurman, then in the zenith of his reputation at the Ohio Bar, was the opposing counsel. Mr. McMahon was successful in winning the case, and also won the encomiums of his distinguished opponent. After Mr. Vallandigham's entrance into official political life, Mr. McMahon practiced alone for a time, and in 1861 formed a partnership with the late Georger W. Houk, which continued until January, 1880. On the 23d of January, 1861, Mr. McMahon married Miss Mollie R. Sprigg, of Cumberland, Maryland, a lady belonging to one of the oldest families in that State. He persistently declined all political preferment up to the year 1872, when he was elected a delegate at large by the Democratic State Convention of Ohio, to attend the Democratic National Convention held at Baltimore in that year. He several times refused a nomination for Congress from the Dayton district; but in 1874, after he had been nominated in spite of his declination, his acceptance was so strongly insisted upon that he consented to make the canvass. The district at that time was largely Republican, but he was elected to the Forty-Fourth Congress by a majority of nearly eleven hundred votes. In the first session of the first term he was one of the managers of the Belknap impeachment proceedings, and upon the organization of the managers, for the conduct of the trial, Mr. McMahon was selected chairman of the sub-committee to try the case. During the same session he was appointed upon a special committee to investigate the St. Louis whisky frauds. He was afterward appointed by the House one of the committee of fifteen, of which Mr. Morrison, of Illinois, was chairman, to investigate the presidential election in the State of Louisiana, prior to the counting of the electoral vote in 1877. Mr. McMahon was renominated without opposition for a second term by the Democratic party, and was re-elected to the Forty-Fifth Congress. Upon the organization of the session, he was assigned to a position upon the judiciary committee and the committee on accounts. During the session he was also selected as one of the Potter investigation committee. In that Congress the undetermined questions connected with a distribution of a remainder of the Geneva award fund, amounting to nearly ten million dollars, were referred to the House Judiciary committee. It soon became apparent that there would be so wide a difference of opinion in the committee as to necessitate two reports, one from the majority and one from the minority. The minority report was drawn and reported by Mr. McMahon, and was signed by Frye, of Maine; Butler, of Massachusetts; Conger, of Michigan, and Lapham, of New York. It was adopted by the House, and the principle of this report was subsequently enacted into a law. In 1878, though desirous of retiring from public life, Mr. McMahon was again unanimously nominated and elected to the Forty-Sixth Congress. During his third term he was a member of the committee on apportionment, and upon its expiration in 1881, he resumed his practice in Dayton, at which he has been continuously engaged ever since. After the election of a Democratic State Legislature in 1889, Mr. McMahon was a candidate for the nomination, by a caucus of his party, for United States Senator, receiving the vote next to that of Honorable Calvin S. Brice, who was chosen and elected.

Mr. McMahon's political service was characterized by ability and a broad scope of usefulness, reflecting credit upon himself and honor upon his constituents. As a lawyer, his career has been abundantly successful. The secret of his prominence in the profession does not lie alone in his strong natural endowments, his breadth of mental grasp and intellectual vigor. It may be found in the fact that he has always been a close and conscientious student, not only of text-books, but of the reported decisions of both English and American courts, so that he is to-day familiar in a marked degree with case law, as well as the underlying legal principles. Industry, method, thoroughness, intense application—these are the habits which Mr. McMahon has brought to the practice of the law, and which, under the direction of a keen, alert intellect, have placed him in the front rank of Ohio lawyers.

ISRAEL WILLIAMS, Hamilton. Israel Williams was born August 24, 1827, in Montgomery county, Ohio. His father, William Williams, was a farmer and a native of Bedford county, Pennsylvania. The family settled in York county, Pennsylvania, prior to the American Revolution. They are of Welsh stock and were originally an old Quaker family, who, for their religious belief were driven out of Wales. In 1816 his father and grandfather came to Ohio and settled in Montgomery county. In 1830 they removed to Champaign county, where they resided at the time of their death. His mother, Mary Marker, was a native of Frederick county, Maryland, and her parents were natives of Wittenberg, Germany. They came to America and settled in western Maryland some time in the last half of the eighteenth century. About 1821 they removed to Ohio, settling in Montgomery county, where they engaged in farming. At an early age Israel was sent to the common schools of his district, where he received his early training. Until eighteen years of age he attended school during the fall and winter and worked on the farm in spring and summer. At eighteen he began teaching school for the purpose of getting money with which to secure a higher education. Two years later, in 1847, he entered the high school at Springfield, where he remained one term. He then taught until the following spring, when he entered Granville College, now Dennison University. Here he remained two and a half years, and during this period taught school in winter. In 1852 he entered Farmers' College, from which institution he was graduated in 1853. At once he entered the law office of Gunckel & Strong, of Dayton, where he commenced the study of law. In this office he pursued his studies for fifteen months, and for eleven months of the time he taught a country school near Dayton. He then entered the Cincinnati Law School for one term of six months, and in March, 1855, he received his degree of Bachelor of Laws. He was immediately admitted to practice, and entered the office of Miller & Brown, of Hamilton, who had offices in Hamilton and Washington, D. C. Mr. Williams was assigned to the Washington office, where he remained seven months. He then went to Des Moines,



Isaac Williams

Iowa, where he spent the winter of 1855-6. In May, 1856, he returned to Hamilton and became a member of the firm of Miller & Brown. Two months later Mr. Brown retired from the practice of law, and the firm of Miller & Williams was formed, which continued about eighteen months, and until Mr. Miller accepted the presidency of the Cincinnati, Hamilton and Indianapolis Railway Company, and retired from the practice of law. Mr. Williams has since continued the practice of his profession alone. He has occupied the same offices forty-one years. His practice has always been of a general civil character, never at any time having anything to do with criminal business. In this way he grew to be a representative business lawyer of Hamilton, and for years has had in his keeping much of the commercial practice of the city. He has been identified with the majority of the important cases that have been tried in this county in the past third of a century. As one of the leading counsel for the city of Hamilton he did more than any one man to secure cheap gas for the city, and through successful efforts in the local courts, the Supreme Court of Ohio and the Supreme Court of the United States, the question was settled, determining the right of a municipality in the State of Ohio to construct and operate gas works, not only for public lighting but for private use of its citizens. Mr. Williams is recognized as a lawyer of ability, being well read in the principles of the profession. He is a man of high moral character and has the confidence and respect of all who know him. Outside of his profession he has devoted considerable time and study to geology, mineralogy and archæology, and for years has been a contributing member of the Ohio State Archæological and Historical Society. Since 1891 he has been a member of the board of trustees. Mr. Williams in politics was a Democrat until 1861, when he became a member of the old Union party, and after the close of the war became a Republican, and continued so until 1896, when he supported William J. Bryan for President. Being strongly in accord with the principles of independent bimetalism, he advocated the Democratic cause, and did all in his power to secure the election of Mr. Bryan. He is not now firmly identified with any political party. He believes that the financial policy of this country will never be settled right until we are on a bimetallic basis, and that this can never be secured except by independent action on the part of the United States government, without waiting for the consent or aid of any other nation. In 1860 Mr. Williams married Maggie Wakefield, of Butler county, Ohio, and by this union there are four children, three daughters and one son.

HORACE L. SMITH, Xenia. Judge Horace L. Smith, though yet a young man, has won for himself a place of honorable distinction on the Bench and at the Bar of his native State. He is a citizen of Ohio, both by birth and inheritance. His father, Dr. Clinton Smith, was a native of Franklin county, and his mother, Mary Smith, was born in Madison county. Both were raised on a farm and both were descendants of pioneer settlers of the State. Our

subject was born August 28, 1853, at Logansville, Logan county. While he was yet young his parents removed to Bloomingburg, Fayette county. His early education was obtained in the public schools of that village, later entering the academy at the same place. After finishing the academic course he entered Wooster University and so thorough had been his preparation that he entered the junior class. He was graduated in 1872, having taken a full classical course. The following year he took up the study of law with Colonel H. B. Maynard, now judge of the Court of Common Pleas at Washington C. H., Fayette county. In October, 1873, he entered the Law Department of the University of Michigan and, taking the full course, was graduated in 1875. In May of the same year he was admitted to the Bar by the Supreme Court, at Columbus. In obtaining an education he had every advantage and he improved them well. He had a decided predilection for the law and being gifted with a legal mind, the study of it was a source of pleasure as well as of knowledge. He began practice at Xenia immediately after his admission to the Bar. His ambition to master the principles of the law was not satisfied by the possession of a diploma from the foremost law school of the country. He kept his study up and gained for himself, in a few years' practice, the reputation of being thoroughly informed in the principles of law. He never held office and never was an applicant for office that was not in the line of his profession. In the thirteen years of active practice at the Green county Bar he built up a substantial and remunerative practice and his reputation as a wise and conservative counsellor and successful advocate kept constantly growing. In 1888 he was elected to the position of judge of the Court of Common Pleas, Third Subdivision, Second Judicial District. His duties began February 9, 1889. He soon demonstrated that he was fitted both by nature and education for the position. He is eminently fair and his decisions are remarkably accurate. Firmness is one of his marked characteristics. At the expiration of his first term he was re-elected, his nomination being uncontested, for another term which does not expire until 1899. This public indorsement by the people and the Bar is the highest tribute to his ability as a judge and uprightness as a citizen. In politics Judge Smith is a Republican, and takes an active interest in the progress of his party, as all good citizens are in duty bound to do. He is held in very high esteem by the profession and the community at large. He was married April, 1875, to Miss Mary Jones, of Fayette county, whose death occurred in 1885. In 1887 he was married to Mrs. May Loughry, daughter of John Orr, for eighteen successive years clerk of the Court of Common Pleas of Green county, from 1863 to 1881. Practicing attorneys of the Green county Bar, who are in the best position to form a correct estimate of his character and ability, speak in the highest possible terms of Judge Smith. As a consensus of their expressed opinions we quote below the remarks of one of the prominent members of the Bar: "On the Bench Judge Smith is 'to the manner born.' His naturally well balanced legal mind has been supplemented by a judicious course of training. His Judgment is sound and his decisions accurate. He is a comparatively young man yet, and his career is mostly

before him ; but he is already recognized as an able jurist. The estimation in which he is held by the Bar of this district may be inferred from the manner with which he was each time elected to the position of judge. His nomination on both times was by acclamation and his election was almost equally unanimous. As a citizen, he has the respect and esteem of the entire community."

EDMUND H. MUNGER, Xenia. A man's success in life should not be estimated so much by the position he has attained as by the difficulties he has overcome. The young man whose position affords him all the accessories of an accomplished education begins his career with an abundant capital, an endowment it might be appropriately termed, while the one who has not these advantages of wealth and association begins his career with empty hands, with which he must earn the means to acquire the knowledge necessary for a profession. There is much truth in the adage that "Some men are born great, some achieve greatness and some have greatness thrust upon them." Among the subjects of hereditary monarchy, whose rulers claim the divine right to govern, the first class naturally commands the greatest reverence. In government of the people, where the most valuable prizes are won by industry, integrity and other virtues, the man who advances himself by praiseworthy efforts is the one who commands the greatest respect. To the latter class belongs Judge Edmund H. Munger, of the Green county Bar. He was born in Montgomery county, October 8, 1821. The Munger family are of New England descent, and came to the Miami valley shortly after the organization of the Northwest Territory. Reuben Munger, his father, was a native of New England, and came to Ohio with his parents in 1797. Laura Munger, the mother of the subject of this sketch, was a native of Ohio, also of New England descent. His parents living on a farm, the early life of Mr. Munger did not present him with many advantages for obtaining an education. The district schools of those days were not what they are to-day either in thoroughness or the length of time in session. Three months in the winter season of each year was the average, and up to the age of nineteen that was all the assistance he had in preparing himself for college. By close application to his books he fitted himself to teach in the public schools, and in this way earned money with which to enter an academy. The first institution of this kind he attended was conducted by Dr. E. E. Barney, at Dayton. After another interval of teaching he attended the academy of Dr. McMillen, at Xenia. He next spent about two and one-half years at the Miami University ; after which he entered Center College, at Danville, Kentucky, from which he was graduated in 1848. He had determined to enter the profession of law, and in order to get the means to continue his studies, opened an academy at Bellebrook, Green county, which he conducted for one year, studying law in the mean time under tutelage of J. G. Gest, of the Xenia Bar. After closing the school he entered

Mr. Gest's office and continued his studies for about two years, when he was admitted to the Bar, in 1851. He began practice in partnership with Mr. Gest. This arrangement continued for two years. After dissolution of the firm of Gest & Munger, he entered into partnership with Mr. R. F. Howard, and continued with him some two and one-half years. In 1856 Mr. Munger was appointed by the court to the office of prosecuting attorney of Green county, to fill a vacancy. At the close of the term he was elected by popular vote, and re-elected twice to the same position, serving the county in all seven years in that capacity. After retiring from office he continued practice alone until the summer of 1868, when he was appointed by Governor Hayes as judge pro tem. of the Common Pleas Court, Third Subdivision, Second District. At the following general election he was chosen to fill the unexpired term of Judge J. J. Winans. Judge Munger occupied the Bench for three and one-half years, when he retired and resumed the practice of his profession, continuing alone until the fall of 1895, when his son, John C. Munger, was admitted to the Bar and into partnership with him at the same time. John C. was educated at the Xenia high school, State University at Columbus, Cornell Law School and University of Michigan. He is well equipped to conduct his father's large practice when the mantle falls upon his shoulders. In the forty-five years of active practice at the Bar of Green county and on the Bench, Judge Munger's life has been without reproach. He has maintained himself well in every position he has occupied in life. He was a good judge; he is a good lawyer; but higher than either of these, he is a good citizen and a good man. He was married in October, 1861, to a Miss Mather, of Suffield, Connecticut, a descendant of the Increase and Cotton Mather family. They have six children living, three sons and three daughters. The eldest son is, as before mentioned, with his father in the law practice, another is completing his education at Berlin, Germany, and the other at Miami University. Two of the daughters are married and the other is at present at school in Boston. Speaking of Judge Munger a prominent practitioner remarked: "Judge Munger is one of the best known lawyers in this section of the State. He belongs to that class who place their profession above everything else; never has been willing to accept any office outside of his profession, and I believe never has. In pursuing this course he has gained both a competency and a good name. As a citizen he is highly esteemed by his neighbors and wide circle of acquaintances. Both in his professional and private life he has set an example worthy of emulation."

JOHN C. MILLER, Springfield. There is no blot on Judge Miller's escutcheon, or cloud to his title of American citizenship. If any honor comes from distinguished ancestry he ranks with the proudest in the land. On his maternal side he is a lineal descendant of Sir Charles Hedges, an English statesman of the seventeenth century, and member of the cabinet of Queen Anne, the last reigning sovereign of the House of Stuart. His forefathers



HORACE L. SMITH

EDMUND H. MUNGER

JOHN C. MILLER

CLARENCE B. HEISERMAN

LEVI GEIGER

have been noted for originality and power from the time they first set foot on American soil. His great-great-grandparents, Robert and Elizabeth Miller, came to this country from Scotland, in 1738, and settled in Maryland, Prince George county. His great-grandfather, David Miller, lost his life in 1778 in the glorious struggle for the independence of the American colonies. His grandfather, Robert Miller, was born in Prince George county, Maryland, 1767, but removed to Kentucky in 1797. During the journey of the family to a new home in the Western wilds, Reuben, the father of our subject, was born in Fayette county, Pennsylvania, January 19, 1797, while the emigrant company were constructing keel boats to carry them down the Monongahela and Ohio rivers to their destination, Limestone, now Maysville, Kentucky. Mr. Robert Miller settled in Fleming county in that State and became a prosperous land owner and slave-holder, and a man of prominence in the community. He was moved by strong convictions, and in early life he became a member of the M. E. Church. He became a licensed local preacher by appointment of Bishop Asbury, in 1809, and was a power in the church. His sense of justice finally made it apparent to his mind that slave-holding was an abuse of power and wrong in principle; therefore, in 1812, he liberated his slaves, removed with his family to Champaign county, Ohio, and settled upon a large tract of land on the Pretty Prairie, within the present limits of Clark county. He was a man of remarkable originality in thought, and very concise and forcible in diction. His sermons were famous for graphic descriptions and illustrations. Reuben lived with his parents on the farm, assisting in managing the estate and in acquiring an education, until he reached his majority; shortly after which he was united in marriage with Miss Mary Hedges, formerly of Berkley county Virginia. Teaching school and surveying land were his occupations until 1826, when he was appointed surveyor of Clark county. This position he held for nine years, when he was elected county auditor, an office he held for eighteen consecutive years. He inherited his father's talent for speaking and his zeal for religion. During all these years of public service he was a local minister of the M. E. Church, and served on Sabbath days as a supply to the various churches in central Ohio in the absence of the regular pastor. He was naturally a good public speaker, a conversationalist remarkable for wit and humor, and a writer of more than ordinary ability. These characteristics seem to be an inheritance of the family, transmitted from father to son. John C. Miller, our subject, was born April 13, 1834, in Springfield, which was then only a village. He was educated at the Ohio Conference High School in his native town, under the tuition of a faculty of which Rev. Solomon Howard, afterwards president of the Ohio University at Athens, was the head. He was graduated at the age of fifteen years from a school which in its days was of high repute, and the only Alma Mater of some of the best intellects in Ohio. After leaving school he entered a printing office and learned the "Art preservative of all arts" in all its branches. He now had a trade, but was anxious for a profession. At the age of eighteen he took up the study of law with Honorable Samuel Shellabarger, who in after years became very prominent

both in his profession and on the floor of Congress, where he represented his district for several terms, and was one of the most prominent attorneys before the famous Commission in the Hayes-Tilden contest. Mr. Miller was admitted to the Bar of Ohio in April, 1855, and a few months later began practice at Springfield. He soon acquired a practice that for a young man was remarkably good. In April, 1861, he was elected mayor of Springfield by a handsome majority. When the civil war broke out, less than a month later, he immediately became identified with all the measures for the promotion of recruiting, relief to soldiers' families, and all methods employed to aid the Union cause. He was chairman of the Citizens' Military Committee of Clark county, and was afterwards a private in the One Hundred and Fifty-Second Regiment of Ohio Volunteer Infantry in the company of Captain Bushnell, now governor of Ohio. In the fall of 1861 he was elected prosecuting attorney of Clark county, and several times re-elected. In 1869 he was chosen city solicitor of the city of Springfield, and held that office by repeated re-elections until 1876, when he resigned to accept the position of probate judge, to which office he had been elected the previous October. To this office he was re-elected four times, but before the close of his fifth term he was elected one of the judges of the Court of Common Pleas, of the second judicial district, at the general election in the fall of 1890. This position he still holds, having been re-elected at the expiration of his first term, in 1895. Judge Miller, in this capacity, gives great satisfaction to the Bar of his district and the State. His accurate and concise decisions have attracted the attention of the profession throughout the State. He is eminently qualified to grace the Bench. While he is remarkably familiar with published decisions of courts, he is not a case lawyer. All of his own decisions are founded upon principles of law, with which his mind is richly stored. Possessed of a keen, incisive intellect, the controlling points of a case are quickly perceived by him, and his strong, thoroughly trained and logical mind enables him to present his conclusions, tersely and concisely, in a manner to carry conviction. In his exercise of these high judicial qualifications, Judge Miller is entirely impartial and independent; always courteous and considerate. There are none who would question his integrity. His great legal learning and his peculiar fitness for judicial service, both of which are being rapidly recognized by the profession, render it highly probable that advancement on the Bench awaits him in the near future. Though an office holder for most of his life, it can truthfully be said of Judge Miller that he never has been an office-seeker; in his case the office invariably sought the man. The irreproachability of his private life has contributed to fix and maintain his place in public esteem, but his great popularity is due to his recognized ability and magnetic personality. In religion he is a Methodist, in politics a Republican. He is a kind and charitable friend to all deserving people, irrespective of their creeds or beliefs. He is a versatile writer and brilliant speaker, a safe adviser and public-spirited citizen, a faithful husband and a kind father. He has devoted both his time and talent for the public weal. He was married October 4, 1860, to Miss Marianna T. Hoglen, the cul-

tivated and intelligent daughter of James R. Hoglen, late of Dayton, Ohio. They have two children, Robert J. and Eleanor C. Miller. Out of a family of seven brothers and sisters only two besides himself are living, namely: Henry R. Miller, a prominent citizen of Keokuk, Iowa, and Commodore (soon to be Rear Admiral) Joseph N. Miller, of the United States navy. The others, stated in the order of their respective ages, were Caroline H. Harris, formerly of near Monticello, Illinois; Dr. D. B. Miller, of Covington, Kentucky; Elizabeth N. Ogden, of Keokuk, Iowa, and Robert Tabb Miller, of Springfield, Ohio, who died when just entering upon manhood and an apparently successful business career.

CLARENCE B. HEISERMAN, Urbana. Judge Heiserman is a native of Ohio and of Champaign county. He was born at Urbana, September 18, 1862. His parents were Aaron and Maria L. Heiserman, the former of German and the latter of Scotch descent. Caleb Heiserman, grandfather of Judge Heiserman, came to this country from Germany in 1825 and settled in Mahoning county, Ohio, near New Lisbon. A few years later he removed to Crawford county, where he purchased a farm on which he resided until 1865, when he removed to Iowa and remained until his death. The father of Judge Heiserman lived with his parents on the farm until he grew to young manhood, when he came to Urbana and engaged in the manufacture of carriages, which he followed for many years. The last ten years of his life he devoted to the business of general contracting. He died at Urbana in 1893. The maternal ancestors of Judge Heiserman came to America in colonial days and settled in Massachusetts and later near Saratoga Springs in New York. His mother's family removed to Ohio about 1840 and settled in Urbana where his mother was born and is still living. His maternal great-grandfather served in the United States army during the War of 1812. Judge Heiserman secured his early education in the public schools of Urbana. He was graduated from the high school in 1879 at the age of seventeen, and in the fall of 1880 he entered the Ohio Wesleyan University at Delaware. He was graduated from that institution in 1884, after taking the full college course, and secured the degree of Bachelor of Arts. The two succeeding years he taught in the high school of Urbana, at the same time studying law under the tutorship of George M. Eichelberger, of Urbana, one of the best read lawyers in that section of Ohio. Resigning his position as teacher he entered the office of Mr. Eichelberger and for one year devoted his entire attention to his legal studies. He passed a successful examination before the Supreme Court at Columbus and was admitted to the Bar in 1887. He at once began the practice of law in his native town, alone, passing his first year in the office of his preceptor. He then formed a partnership with Mr. E. E. Cheney, which lasted until he was elevated to the Bench. In 1889 he was elected prosecuting attorney of Champaign county, and was re-elected in 1892. His association with Mr. Cheney proved very satisfactory and the firm soon built up a practice that was a trib-

ute to both their industry and ability. In 1894 Mr. Heiserman was made a candidate of his party for judge of the Court of Common Pleas, second subdivision, of the Second Judicial District, and was elected. He dissolved his connection with the law practice and took his seat on the Bench in November, 1894. He was elected for a term of five years. During the eight years of his professional career, Judge Heiserman has made a very enviable record. In every position in which he has been placed he has maintained himself with credit and with marked ability. Concerning his fitness for the judicial ermine his preceptor, George M. Eichelberger, remarked: "Judge Heiserman is well qualified to discharge the duties of a judge and is filling the position to the satisfaction of the Bar. He is young in years, but is well grounded in the principles of law. He was a hard student during the years of training and has continued to be one ever since. He has a judicial mind. He is thoughtful, conservative and self-reliant. In the discharge of his duties as prosecuting attorney he developed the fact that he had ability, firmness and accurate knowledge of the law, and his services on the Bench have so far served to deepen these impressions. Socially Judge Heiserman is one of the most companionable of men. He is unassuming, courteous in his manners, a good conversationalist, and also a good listener. He is popular in his party and respected and esteemed by all." Judge Heiserman is a Republican in politics and before going to the Bench took an active interest in advancing party success. In his religious faith he is a Methodist and a member of the official board of his church and also superintendent of the sabbath school. He was married in 1890 to Miss Lillian M. Brown, daughter of W. H. and Fannie M. (Taft) Brown, of South Charleston, Ohio.

LEVI GEIGER, Urbana. Judge Levi Geiger was born March 14, 1824, in Greencastle, Pennsylvania. His ancestors were among the early settlers of the country. His great-grandfather on his paternal side came from Germany; was a commissioned officer in the war for American Independence in 1776, and received a grant of seventeen hundred acres of land for his military services. His father, Henry Geiger, was a soldier in the war of 1812-14 and received a land warrant for his services. He participated in the battle of Lundy's Lane and other hard-fought battles on our northern frontier. After the war he settled in the town of Greencastle, Pennsylvania, and in 1816 married Julia A. Rubush, a native of Pennsylvania, who in her childhood was an acquaintance and friend of James Buchanan, afterwards President of the United States. Her ancestors were of German and Scotch descent. Judge Geiger is one of eleven brothers. His oldest brother, Albertus, was a physician and practiced his profession in Cincinnati, from which place he removed to Dayton where he continued his practice until his death in 1886. One of his brothers, Hezekiah, was one of the founders of Wittenburg College, at Springfield, Ohio, and professor of mathematics and languages in that college for many years. Three of

his brothers were preachers in the English Lutheran Church. Three of the brothers were attorneys at law, one of whom, W. F. Geiger, was major in the Phelps regiment and afterwards colonel of the Eighth Missouri Cavalry. He had three horses killed under him at the battle of Pea Ridge. After the war he served three terms as Circuit judge in the Springfield, Missouri, district, dying a short time before the close of his third term. His brother, F. M. Geiger, practiced law in Houston and in southern Missouri, where he died in 1889. His brother Henry was a farmer and died near Warsaw, Indiana, at the age of seventy-seven. His other brothers died in young manhood, before completing their school days. He has one sister who is married to the Honorable J. H. Hileman, of Altoona, Pennsylvania. Judge Geiger obtained his early education in the common schools in eastern Ohio and in his studies at home. He was a constant student during his boyhood, availing himself of every opportunity afforded him in obtaining useful knowledge. He studied law under William S. Tanneyhill, one of the leading attorneys at Millersburg, Ohio, and was admitted to practice law at Canton, in 1850. He united with the Independent Order of Odd Fellows at Millersburg in 1851, and removed to Urbana in April of the same year, residing there ever since. In 1853 he united with Harmony Lodge F. & A. M. By the request of the family he was one of the pall-bearers at the funeral of Governor Vance. Mr. Geiger was a Whig in politics, and as such was, in 1856, elected prosecuting attorney for Champaign county. He was in favor of sustaining in good faith the compromises of the Federal Constitution, but was opposed to extending slavery into the territories of the United States. He was anti-slavery in his feelings, and called the first colored witness to testify in a court of justice in Champaign county. He was active in politics and assisted in the organization of the Republican party in Ohio in 1855. John Sherman presided over that convention and was then his choice for governor; the Honorable S. P. Chase was, however, nominated. Mr. Geiger was elected a delegate to the convention that nominated John C. Fremont for President, but was not able to attend on account of sickness. He was also a delegate from the Eighth Congressional District of Ohio, with Judge William H. West, to the Chicago Convention that nominated Abraham Lincoln for the Presidency in 1860, and was an ardent supporter of Mr. Lincoln both in and out of the convention. When the Ohio delegation was in consultation to agree upon concerted action he offered a resolution, which was adopted, committing that delegation to the support of Mr. Lincoln as a candidate in case an Ohio man could not be nominated. This action was at once made known to other State delegations and to the leading supporters of Mr. Lincoln. It was an important factor in securing his nomination. The delegates from Ohio were divided in their choice. Honorable S. P. Chase, Judge McLain, Honorable Thomas Corwin and Honorable B. F. Wade each had friends pressing their claims. Mr. Geiger was seconded in his support of Mr. Lincoln by Honorable Columbus Delano and four other delegates from Ohio, who cast their votes for Mr. Lincoln on every ballot. On the last ballot the other Ohio delegates joined them. Mr.

Geiger was an ardent supporter of Mr. Lincoln's administration and of the war for the suppression of the Rebellion. He visited Mr. Chase, secretary of the treasury, at his office, at the close of a cabinet meeting, where the question of peaceable separation was being considered by the cabinet, and urged him, as a representative of the sentiment of the people of Ohio, to support and encourage Mr. Lincoln in his efforts for the preservation of the Union as an entirety, assuring him that the State of Ohio was loyal and united in support of the policy of Mr. Lincoln for the suppression of the Rebellion. At the next meeting of the cabinet Mr. Chase gave his support to the views of Mr. Lincoln, as to maintaining the Union, with a majority of the cabinet. As to the importance of these cabinet meetings see Mr. Nicolay's history of Lincoln. He was judge advocate of the staff of General E. P. Fyffe, and was actively engaged during the war in enforcing the law against persons and organizations who were seeking to hinder the drafting of recruits for the army. "The Knights of the Golden Circle" had organized a number of lodges in the county. These he completely broke up and had the leaders sent to "Camp Chase," where some of them were confined for two years or more. Mr. Geiger was admitted to practice in the United States courts at Washington City, in March, 1861, upon the motion of Honorable Thomas Ewing, Senior. In 1889 he was elected judge of the Court of Common Pleas for the second subdivision of the Second District of Ohio, and served five years. In 1884 and 1886 his name was presented by the unanimous action of the Republican party and attorneys of Champaign county as a candidate for the position of District Judge of the Second District of Ohio. Judge Geiger stands high at home both in his profession and as a public-spirited citizen. He is an active member of the Methodist Episcopal Church and for many years has been a member of the official board. He has been a member of this society since the age of sixteen. He was married March 28, 1844, at Millersburgh, Ohio, to Miss Rosalinda Gleason, daughter of Aaron Gleason, a native of New Jersey, who removed to Ohio in 1837. They had six children, five of whom are still living. George H. is a practicing physician at Dayton, Ohio. Charles L. was in the insurance business and died January 12, 1895, at the age of forty-three. Their eldest daughter is the wife of S. L. P. Stone, a hardware merchant of Urbana. Their second daughter is the wife of John A. Banta, of Urbana, and the youngest is the wife of J. Howard Patton, of Greensburg, Pennsylvania. His daughter Ida C. resides with her parents at Urbana. Mr. Geiger has fifteen grandchildren living and but one dead. Referring to the career and standing of Judge Geiger in his profession a prominent member of the Champaign county Bar says:

"Judge Geiger has filled an honorable place in the history of Champaign county and this section of the State. He is probably the oldest member now at this Bar and retains his powers of mind and body to a remarkable degree. He is more active than many men of far fewer years and there is no diminution of his mental capacity. For many years he was one of the leading lawyers of this section of the State, and had a large local practice as well as in the higher courts of the State and the Federal courts. The five years spent

on the Bench of the Court of Common Pleas scattered his practice to some extent, but he probably now has all to which he cares to attend. Judge Geiger is a capable man, but altogether too sturdy and independent in his characteristics to become a popular political leader, a position to which he never aspired. Like most men of thoughtful mien he has a preoccupied manner that might, and often does, leave the impression of indifference to friends and acquaintances; but nothing is farther from the truth. He is a very companionable man, but not so free in his manner as are some. He hates duplicity and shams. He is a good neighbor, a useful citizen, and a charitable giver for benevolent purposes. The world would be happier and better if all men fulfilled their duties of citizenship as faithfully and as well as has Judge Geiger."

SILAS H. WRIGHT, Lancaster. The subject of this biography was born near Logan, Ohio, June 21, 1830, and died at Lancaster November 18, 1887. At the time of his death Judge Wright had the distinction of being the senior Common Pleas judge of the State in years of service on the Bench. He was in his fifth term when he died, and so great was his popularity with the people of his district that he would undoubtedly have held the office for many years longer had he been spared to accept the honors his fellow citizens were so ready to confer upon him. His parents were John and Elizabeth (Tannehill) Wright, both natives of Ohio, the former of Irish descent and the latter Scotch origin. His paternal ancestors came to America about the middle of the eighteenth century and settled in Pennsylvania. They took an active part in the Revolutionary War and the family here now have in their possession a belt buckle—a relic of the struggle—captured with its owner in one of the battles of the war. The stamp indicates that it belonged to a member of the Tenth Battalion of the British Army, fighting for King George III. Hugh Wright, the great-grandfather of Judge Wright, came to Ohio about the beginning of the present century and settled in Lake county, but soon after purchased a tract of land in the Hocking Valley, near the present site of Logan. His maternal grandfather, Samuel Tannehill, came direct from Scotland and settled in the Hocking Valley; was among the early settlers of that section, and became a prominent citizen. Judge Wright was reared on a farm and his early education was obtained in the common school. Later he entered Greenfield Academy, then a celebrated school, and made famous for all time by the fame of the men who studied there; among whom were James G. Blaine, the Ewings, and John and Tecumseh Sherman. Later he entered the Ohio Wesleyan University, from which he was graduated after taking the full classical course. He began the study of law in the early fifties in the office of Judge P. Van Trump, a prominent member of the Hocking Valley Bar. At the age of twenty-six he was admitted to the Bar, but did not at once begin the practice. He made a tour through the settled portions of the western States, on horseback, remaining one year at Muscatine, Iowa. At the solicitation of his friends he returned to Ohio and located at Logan and entered on the practice in partnership with Henry R. Sanders, a capable law-

yer. In 1856 he was elected prosecuting attorney of Hocking county and was twice re-elected, serving for six years. The four years following his official term he devoted exclusively to private practice, which had grown to large dimensions. In 1866 he was elected Common Pleas judge for the Fifth Subdivision of the Seventh Judicial District. He was re-elected four times in succession and was in the second year of his fifth term when he received the final summons from which there is no appeal. Referring to the characteristics of Judge Wright, one of the oldest attorneys of the Lancaster Bar, said :

"Judge Wright was better known as a jurist than as an attorney. Before he went on the Bench I only knew him by reputation, but came to know him well after his elevation to the judgeship, when he made Lancaster his home. Personally he was one of the most companionable of men; always genial, an entertaining conversationalist, he created friends wherever he went. The fact that he was elected five times in succession to the Common Pleas Bench in this district was as much an evidence of his personal popularity as it was of his fitness for the place. He made a just judge; equity as well as law was apparent in his decisions. He was well versed in the fundamental principles of the law and this, in connection with his scholarly attainments, fitted him well for the position. His administration of justice gave very general satisfaction to the legal profession and his decisions stood well the test of the higher courts. He was always fair and impartial in his instructions to the jury. His charges were plain, concise and free from error. He was not an orator, but was a pleasant and forceful speaker. He never left the Bench after his first election, and died in the harness shortly after his election for the fifth term. His life was pure and he was held in high esteem both by the Bar and the public."

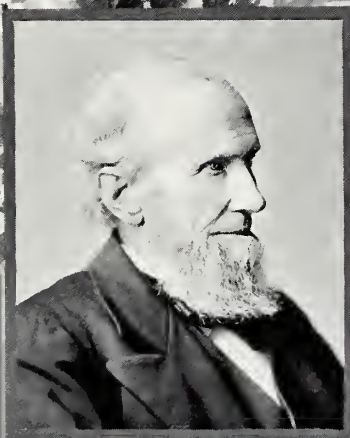
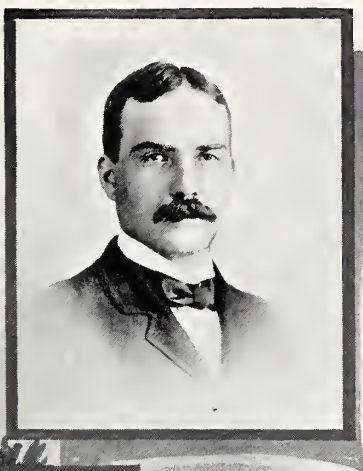
In politics Judge Wright was a Democrat and before his elevation to the Bench was active in partisan affairs. He was a man of scholarly attainments and general knowledge, gleaned from a wide field of literary reading. Socially he was a charming companion, his conversation was both instructive and entertaining. While he had a strong love for his profession, his happiest hours were spent in the family circle and in his well selected library. He was a brilliant writer, a deep thinker and a frequent contributor to the local papers of his district. His writings were generally in the nature of communings with himself, and but few of them found their way into public print. Enough of them, however, were published to show the genius of the man. He enjoyed writing poetry as well as prose. His parody on that beautiful poem, "Woodman Spare That Tree," which was published in the *Hocking Sentinel*, and his original poem, "Querelæ Curele, or Troubles of a Court," published in the *Lancaster Saturday Journal*, are fair specimens of his writings. Much of his manuscript never published is in the possession of his family. He was an ardent lover of nature and oftentimes spent hours alone in roaming over the hills of Fairfield and Hocking counties in communion with nature and nature's God. The kindness of his disposition was shown in his intercourse with his fellow men. He was invariably courteous and particularly kind to the unfortunate. He was a public-spirited citizen and took an active interest in every movement for the public weal. He was widely known, and his death was mourned by a wide circle of friends. The press paid high tribute to his char-

acter and ability. A prominent citizen in comment says: "When Judge Wright died humanity lost a friend and helper. He was one of the most kind-hearted men it has been my privilege to meet. He had a heart as well as brains, and the cares of his position never caused him to lose sight of the unfortunate or the needy. He was not one of those who leave their charities to their executor, he scattered his garlands by his own hand. He was one of the most popular judges that ever sat on the Bench of this district. When he tempered justice with mercy it was in cases where the offense was more apparent than real. His judgment of human nature was as accurate as his judgment on questions of law and he was not often wrong in either." Judge Wright was married in 1858, to Miss Katherine Moore, daughter of John and Elizabeth (Brice) Moore, of Newark, Ohio. They had four daughters and one son, John M., who is a practicing lawyer. The family home was at Logan until the election of Judge Wright to the Common Pleas Bench, after which it was removed to Lancaster.

OBED W. IRVIN, Dayton. Though a young man, the subject of this sketch has attained a position in life that would be creditable to a man of greater age. Education to a young man entering a profession is what capital is to the beginner in a business career. The absence of these does not in either case bar a man from making a success of his life work, but the possession of these necessary adjuncts to final success at the threshold of his business or professional life, is to advance their possessor when he would only otherwise be, after years of toil and study, under disadvantageous circumstances. Judge Irvin had the advantage of a well rounded education. His parents, James B. and Ellen S. Irvin, both deceased, were natives of Ohio, and for many years residents of Dayton. Obed W. was born January 12, 1866. In his early training he had the advantage of the excellent school system of his native city. He was destined by his parents for a profession and, after graduating from the Dayton High School, he entered Yale College and was graduated from that institution in 1887. Returning to Dayton, he accepted a position as instructor in the Dayton High School, teaching for four years and reading law at the same time. In 1891 he entered the Cincinnati Law School, from which he was graduated the next year. He was admitted to the Bar by the Supreme Court at Columbus, and immediately entered on the practice of his profession in Dayton. With the exception of the time spent at college, his years had all been passed in that city. He was well known and had many influential friends. He was known as a young man of marked ability with a highly trained mind and sterling integrity. Under these circumstances it is not surprising that he soon drew around himself a clientage that was respectable in quantity as well as quality. In his political principles he is a Republican, and was elected by his party in 1893 to his present position of judge of Probate of Montgomery county. In this position he has maintained himself well, fully meeting the expectations of his friends and discharging the complicated duties

of the office to the entire satisfaction of the many with whom the duties bring him in contact. In his manners Judge Irvin is unassuming, easy of approach, courteous and affable in his intercourse with his fellow men. He possesses in an eminent degree that tact which in politicians is termed magnetism, but which when analyzed and defined means good manners and respect for others. He is a bachelor and is as highly esteemed in the social circles of the city for his capacity to entertain as he is in his profession for his ability. The estimate that is placed on his character and ability and his future prospects by his seniors at the Dayton Bar, is summed up in this statement by one of the ablest members of the Dayton Bar: "Judge Irvin comes of a good family, and for his own achievements deserves the honors that have been placed upon him. He has always been studious in his habits and thorough in his studies. He is of the metal of which safe lawyers are made. He thinks before he acts. Judging from the past, I should say that Judge Irvin will be one of the solid attorneys of the future."

CHARLES W. DUSTIN, Dayton, is judge of the Common Pleas Court, Second Judicial District. The Dustins were Scotch. They came to America and settled in New Hampshire, while Plymouth Rock was yet young in history. They were agriculturists, and the first historical mention of the family recounts the signal act of bravery of Mrs. Hannah Dustin and Mary Neff, who had been captured by a band of hostile Indians. These two courageous women killed or put to flight a dozen savages with their own weapons, and escaped by rowing down the Merrimac river in the same canoe which had carried them up as prisoners doomed to death by torture. After undergoing perils from capture and wild beasts, from hunger, weariness and ill health, they reached their friends at Haverhill. The incident is fully described in the standard histories, both of the State and the United States. It was an act of individual heroism, and finds few parallels in all the bloody feuds that existed for two hundred years between the pioneer settlers and the aborigines of the country. A study of the family history from colonial times down to the present day shows that they were an industrious, strong-minded, self-reliant race of people, with a liberal tendency toward intellectual pursuits. Charles W. is the son of Doctor M. Dustin a prominent minister of the Cincinnati Conference of the M. E. Church. He was born at Zanesville, Ohio, in 1849. His educational advantages were of a superior nature. Home training and good school facilities fitted him for college at an early age. He entered the Ohio Wesleyan University at Delaware in 1864, and was graduated in 1868. After leaving school he took a position in Quincy College, at Quincy, Illinois, as professor of mathematics, later holding the same position at Brookville College, Brookville, Indiana. Selecting the law as a life vocation, he entered the office of Boltin & Shauck, at Dayton, in 1871. He was admitted to the Bar in 1873 and immediately entered on the practice of his profession. Being a strong Republican in sentiment he soon became quite active in party politics. In 1877 he



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SILAS H. WRIGHT

OBED W. IRVIN

HENDERSON ELLIOTT

CHARLES W. DUSTIN

ROBERT M. NEVIN

was the nominee of his party for State representative against Charles N. Valandigham, and, despite the fact that the county was strongly opposite in its voting strength, he came within one hundred votes of being elected. Although he took a great interest in politics, he did not make that his business. His personal popularity drew around him a strong clientage, and he has been numbered among the successful practitioners since he began practice as a member of the Dayton Bar. He organized the Gem City Building and Loan Association, now a large and successful financial institution; was its first attorney, and retained that position until his accession to the Bench. Mr. Dustin is studious in his habits and a close observer of events as well as of men. Believing that the principles of his party represent the best interests of the country, he has always taken an active part in political campaigns. He became the candidate of his party for judge of the Court of Common Pleas in the Second Judicial District in 1884, in an overwhelming Democratic subdivision, and received the largest vote cast for any one on the ticket in his county. Following this campaign, Mr. Dustin was active in getting a bill through the legislature to restore the sub-judicial Common Pleas District to its original limits, as prescribed by the State constitution. The bill passed both branches, but failed in the Supreme Court, because it had not received a two-thirds vote of the legislature. A similar bill subsequently passed by the required two thirds vote, and as the district so comprised was strongly Republican, it was conceded that in recognition of the splendid work Mr. Dustin had done for his party and his willingness to lend his name for a party advantage, when nothing personal could be gained by it, and his excellent fitness for the position, he should be the candidate to fill the first vacancy that occurred on the Bench in the district. He was, therefore, nominated, and at the November election in 1895 was elected to succeed Judge Dennis Dwyer, whose term expired July, 1896. The judicial subdivision, as now composed, embraces the counties of Montgomery, Green, Warren and Clinton. When the Garfield Club was organized at Dayton Mr. Dustin was chairman of the meeting and the first to sign its constitution. He also took an active part in the formation of the Republican State League; was a member of the committee for drafting its constitution, and was also a delegate from Ohio to the first meeting of the National Republican League at New York. Judge Dustin has a decided literary taste, and has been a frequent contributor to the press of the city. When he was studying law he edited the law department of the *Daily Dayton Journal*, and later was editor in chief during the frequent absences of Major Bickman. He has traveled extensively both in this country and in Europe, and is an admirer of the beautiful in both nature and art. He was married June 9, 1874, to Alfie M. Hull, in Connersville, Ind. Mrs. Dustin died in 1878. In referring to his capabilities for the Bench a prominent practitioner remarks: "Judge-elect Dustin will, I think, make a good judge. He is scholarly, studious in his habits, and well grounded in the principles of law. He has considerable literary ability, and his writings are characterized by graceful style and correct composition. If his opinions are as correct in principle as they are likely to be well written, no one will find

fault with them. He has a good practice, but is probably better adapted for the Bench than for general practice at the Bar. Mr. Dustin is correct in his habits, and as a citizen he is thoroughly well respected."

ROBERT M. NEVIN, Dayton. Mr. Nevin, a leading practitioner at the Dayton Bar, is of Anglo-Celtic extraction. His father, Robert Nevin, was a native of Ross county, Ohio, whose ancestors came from near Giant's Causeway, Ireland, and settled in Ross county about the beginning of the present century. He removed to Highland county and became a prominent citizen, and from him Nevin postoffice, Highland county derived its name. His mother, Frances E. Eakins, born and reared in Highland county, was of English descent, her ancestors coming to this country from near Manchester, England. They were among the pioneer settlers of Ohio. Robert M. Nevin, the subject of this sketch, was born May 5, 1850, at the Nevin homestead and about two months after the death of his father, in Highland county. His rudimentary education was obtained in the district common school and he was prepared for college in the high school of Hillsborough. As a boy his marked characteristics were habits of industry and quick perceptions. Observing his appreciation of learning, his mother gave him every possible advantage. At the age of fourteen he had finished the high school course and entered the Ohio Wesleyan University, at Delaware. In 1868 he was graduated from that institution, at the age of eighteen, the youngest in his class, and with few exceptions the youngest alumnus of the university. He took up his legal studies in the office of Conover & Craighead, Dayton, immediately after leaving college, and was admitted to the Bar May 10, 1871, a few days after reaching his majority. The first five years of his practice were alone. In 1876 he entered into partnership with Alvin W. Kumler, under the firm name of Nevin & Kumler, which has continued unbroken to the present time, a period of twenty years, and constitutes the oldest law firm in Dayton. When Mr. Nevin began his professional career there were several men in practice at the Dayton Bar who had attained a national reputation as lawyers and the general standard was very high. Thus the young man, who had barely crossed the demarkation line that separated him from his boyhood days, found himself in the company of giants in his calling, against whom he would have to compete if he maintained himself in his profession. The comparison did not discourage him; it only stimulated his ambition and his efforts. The perseverance and qualities of mind that enabled him to quickly assimilate the contents of his textbooks soon made him a well informed lawyer, and possessing large natural ability and much acquired talent as a speaker, he did not long remain in obscurity. He is purely a lawyer. His profession is his ambition, and his energies have been devoted to the interests of his clients. During the twenty-five years of practice at the Montgomery county Bar he has risen steadily, until he now stands in the front rank, not only at the Dayton Bar, but in that

section of the State. He has never permitted his name to be used as a nominee for any elective office but once, and that was in the line of his profession and at the earnest solicitation of his party. He was nominated for prosecuting attorney on the Republican ticket in 1887 against the Honorable John M. Sprigg, an able lawyer who had held the office for successive terms, and in the judgment of his party, was invincible. Mr. Nevin was elected by a majority of eight hundred votes, in a strong Democratic county, and the first Republican had been elected to the office since the memorable days of the war. Being a strong believer in the principles of the Republican party, and a good public speaker, he has naturally become prominent in the councils of his party. In 1892 he was one of the alternates at large of the Republican national convention at Minneapolis, and upon Governor McKinley becoming permanent chairman of that convention, Mr. Nevin took his place in the Ohio delegation. In practice he is prominent as a trial lawyer. He has not confined his reading to his text books; his mind has been enriched by much knowledge gained in many fields of literature and science, which gives him a breadth and scope and power which the narrower pleader whose knowledge is confined to legal studies, never acquires. In the preparation of his cases he is thorough, and in summing up before a jury is logical, argumentative and forceful, rather than persuasive. As a public speaker he is clear and concise and presents his ideas in well chosen language. There is a social side to his nature and as an after-dinner speaker he is much in demand. Mr. Nevin is somewhat reserved in his manners—as deep thinkers usually are—but is by no means unsociable. He has been a close student both of nature and books. He possesses a mind of great natural vigor and strength, which is trained to its highest capacity by study, reading and thought. He has the useful faculty of focusing his mind on the subject before him and the ability to express his conclusions in a clear and convincing manner. In his twenty-five years of practice he has built up a business that is large and remunerative. Mr. Nevin is a useful citizen as well as an able lawyer. In movements that affect public weal he always takes an active interest and is one of the public spirited citizens of the city. He was married November 7, 1871, to Miss Emma Reasoner of Dresden, Muskingum county, Ohio. Four children have been born to them; two sons and two daughters, all of whom are living.

DAVID W. TODD, Urbana. David W. Todd, for thirteen years probate judge of Champaign county, is a native of Pennsylvania. His parents, David Todd and Sarah McCormick, were also natives of that State. His paternal ancestors were English and his maternal Irish. His father was a soldier in the war of 1812. He was born on a farm in Dauphin county, December 31, 1835, and came to Ohio with the family in 1846. In 1847 his father settled on a farm at Pretty Prairie in Campaign county and resided there continuously until his death in 1868. David attended the district school and worked on the

farm until 1855, when he entered Miami University at Oxford. He remained in the University five years and was graduated in 1860 as a Bachelor of Arts. In the fall of that year he began the study of law in the office of Shellebarger & Goode at Springfield, and continued his studies until the opening of the Rebellion. Responding to the first call of the President for volunteers he enlisted for three months in the Second Ohio Infantry, and participated in the first battle of Bull Run. Re-enlisting at the close of his first term he was commissioned first lieutenant of Company B, Eighty-Sixth Regiment and assigned to duty as regimental quartermaster. His service during the second term of enlistment (four months) was principally in guarding the Baltimore and Ohio Railroad in West Virginia. At the end of four months, his second term of enlistment, he was mustered out and resumed his law studies with Shellebarger & Goode. He was admitted to the Bar in February, 1863, and opened an office for practice in Urbana. In the fall of the same year he was elected prosecuting attorney of Champaign county and in 1865 was re-elected. He joined the National Guards in 1863 and was appointed Captain of Company A. Soon afterwards he was appointed lieutenant colonel of the regiment and in 1864 went with his command into the service of the United States, when it was mustered as the 134th Ohio, participating in the demonstrations against Petersburg. This enlistment was for a term of four months, at the close of which Mr. Todd returned home and resumed his law practice. He continued in practice until his election as probate judge in 1878, an office which he held continuously by successive elections until 1891. After retiring from the judicial office he resumed his law practice, which is general. He is a Mason and a Knight Templar; has held the position of Eminent Commander of Raper Commandery at Urbana. He belongs to the Grand Army of the Republic and has served as Post Commander. He is a Presbyterian and has filled the office of deacon and elder in the church. Politically he is a working Republican. He was married January 1, 1863, with Miss Virginia Hamilton, of Pretty Prairie, who died in 1868. Two children by this marriage, Lee H. and Robert M. Todd, are living. In 1870 he was married with Miss Ella Harvey, of Urbana, and by this marriage has a daughter, Mary H., and a son, Frank W. A member of the Champaign county Bar thus characterizes him: "Judge Todd has been a prominent figure in Champaign county for over thirty years. He has the esteem of the profession and the good will of the public. He is a good lawyer, though he is not conspicuous in the trial of causes in court. He is regarded as being a safe, conservative and reliable counsellor, and has a very large office practice. As a citizen he is progressive and takes an active interest in measures that have for their object the promotion of public weal."

THOMAS H. DOLSON, Lancaster. Mr. Dolson was born at McConnellsville, Morgan county, Ohio, November 22, 1851. His parents were Ebenezer B. and Huldah (Stevenson) Dolson, the former a native of Ohio and the latter of Virginia. His paternal ancestors were among the early settlers of New York State. His grandfather, Thomas Dolson, came to Ohio when a young man, about the beginning of the present century and settled in Muskingum county. He purchased large tracts of land in that and what later became Perry county, and took a prominent part in developing the industries of that section. His father was a farmer and stock dealer of Morgan county for many years, and is now living in Kansas. The Dolson family are purely American and gained their right to citizenship both by their civil and military services. Some members of the family have taken an active part in every war in which the United States has been engaged. The great-great-grandfather of Mr. Dolson served with Washington in the days of 1776-83. His grandfather was a soldier in the Mexican War and his father served in the First Ohio Heavy Artillery, as quartermaster of the regiment, from 1862 to 1865, during the civil war. Thomas H. Dolson was reared on a farm, and his early education was obtained in the public schools of Morgan county. Later he took the high school course at Logan, Ohio, and was graduated with the class of 1868. He then went to Missouri, and for two years engaged in bookkeeping in the mercantile establishment of his brother-in-law, H. S. Berry, at Cameron. He returned to Ohio in 1870 and the same year entered the law office of Judge Martin at Lancaster, where he engaged in the study of law for two years. He was admitted to the Bar in December, 1873, by the Supreme Court, and at once entered on the practice of his profession at Lancaster. In 1875 he formed a partnership with Levi Hite, a prominent attorney of Fairfield county Bar, a relation that continued until Mr. Hite removed to Columbus, in 1887. Since that time Mr. Dolson has been in the practice alone. He served for four years as prosecuting attorney of Fairfield county from 1876 to 1880 by election and two years by appointment of the court. His successor to the office in 1880 died shortly after being elected and Mr. Dolson was appointed to fill out the unexpired term. This was the only political office he ever held and this was strictly in the line of his profession. He has held various municipal offices, such as member of the council and of the board of education, but nothing that would in any way interfere with his practice. Mr. Dolson, during the twenty-three years' practice at the Bar in this and other States, has built up a very fine law business that covers a wide scope of territory. In the local courts his practice is general, but in the surrounding counties and other States it is exclusively criminal, mostly for the defense. Among the notable cases that have attracted general attention in which Mr. Dolson appeared for the defense as the leading advocate, mention is made of the state of Montana vs. —, charged with murder in the first degree. He was acquitted by the jury. Another was the State of Illinois vs. David Miller, charged with the murder of A. B. Diamon, mayor of Arcola, whom he shot and killed because of some family trouble. This case was prosecuted with vigor by the State,

and Mr. Dolson had to combat the ablest lawyers in central Illinois, among whom was Honorable Horace S. Clark, a man of high reputation as a criminal lawyer. After a trial of several days' duration Miller was acquitted. He has also appeared in defense of men charged with high crimes in the States of Indiana and California, and always with success. Mr. Dolson has appeared on one side or the other of every important criminal case tried in Fairfield county during the past fifteen years, and in many of those in adjoining counties. In the case of the State of Ohio vs. Napier, charged with murder, Mr. Dolson was appointed by the late Judge Hoffman, of Perry county, to assist in the prosecution. The defendant was convicted. In his political affiliations Mr. Dolson is Democratic. He was nominated by his party for State Senator to represent the Ninth and Fourteenth Senatorial Districts, but was defeated with the rest of the ticket. He is a member of the English Lutheran Church. He was married in 1876 to Miss Alida Reinmund, daughter of B. F. and Isabella (Arnold) Reinmund, of Fairfield county, and sister of Henry J. Reinmund, insurance commissioner under Governor Hoadly. They have four children, two sons and two daughters. Referring to Mr. Dolson's standing in the profession and his leading characteristics, an old and prominent member of the Lancaster Bar observed:

"While Mr. Dolson does a general law business in the local courts, his practice runs largely to criminal cases, and in this peculiar line he has quite a wide reputation. He is adapted by nature for this kind of practice. He is shrewd, quick to see the weak points of his opponents and aggressive in availing himself of every advantage presented in the trial of a case. He has a good voice, an extensive vocabulary, and on his feet before a jury he makes an effective address. He is the best talker, perhaps, at this Bar, but not the best read lawyer. If his early education had been commensurate with his natural abilities as a lawyer his advancement would have been more rapid. He came to the Bar here early in the seventies, and has improved his opportunities so well that he now ranks with the leading attorneys of the district. His reputation as a criminal lawyer is well established in this section of the State, and he has been called to widely diverging points to defend Ohio citizens charged with the violation of the criminal code of different States. He has been remarkably successful, and has crossed swords with some able men in this line of practice. Another feature that has contributed to his success is that he has confined himself entirely to his profession and is a worker. He has not neglected his law practice for politics or any other business. He gives his clients his best efforts and is a trustworthy and reliable lawyer. He is held in high esteem both by the legal profession and in the community, and by the public where he is known."

WILLIAM M. ROCKEL, Springfield. Judge Rockel is of German descent. His paternal ancestors came to America and settled in Pennsylvania about the middle of the last century. The founder of the American family was a German school master who devoted his life to educational work in his adopted country. It is not known what part Judge Rockel's great grandfathers took



DAVID W. TODD

THOMAS H. DOLSON

WILLIAM M. ROCKEL

THOMAS B. WILLIAMS

MOSES M. SAYRE

in the Revolutionary War, but the records show that his grandfather served with the Pennsylvania troops during the War of 1812-14, under the command of General Henry Shearing, and that at the time of his death he was in receipt of a pension from the United States government, issued in consideration of services in that war, together with his father, Peter Rockel (the judge's great-grandfather, then well advanced in age.) He came to Ohio in 1822 and settled on a farm near Tremont City, in Clark county, on which he resided for sixty-two years, and there died in 1884, at the age of ninety years. The father of Judge Rockel was born on the Clark county homestead, and has engaged in agricultural pursuits all his life, and now resides on a farm near the original homestead. The maternal ancestors of Judge Rockel originally came from Germany and settled in Virginia. His grandfather came to Ohio in his early manhood, settling in Carroll county, where his mother Margaret (Shick) Rockel, was born in 1834. In this year he moved to Logan county, Ohio, and resided near Bellefontaine until his death in 1895. William M. Rockel was born on his father's farm in Clark county, July 18, 1855. His early education was obtained in the district schools of Moorefield township. At the age of seventeen he entered the Bellefontaine high school, from which he was graduated in June, 1876, at the age of twenty-one. He immediately entered the commercial department of the National Normal University at Lebanon, Ohio, receiving his diploma in December of the same year. He then began the classical course at the same institution, but before he was far advanced in his studies an ailment of his eyes, caused by overwork, compelled him to abandon his text books temporarily. During his school days Judge Rockel taught one term of district school of seven months. For a time after leaving school he studied law privately, as his health would permit. In 1877 he entered on the regular course of study in the office of Keifer & White, a prominent law firm of Springfield. General Keifer was at that time in Congress, and speaker, and later Judge Charles R. White was elected to the Bench of the Court of Common Pleas of Clark county. He was with this firm for two years when he was admitted to the Bar by the District Court in 1879. He at once began practice at Springfield, which he continued until he was elected to the office of probate judge in 1890, and was re-elected in 1893. At the close of this term (February, 1897), he expects to re-enter the practice of his profession in Springfield. Judge Rockel took a prominent and active part in the organization of the Springfield Building and Loan Association, and was its first president, and later its attorney, until he accepted the office of probate judge. He is now one of the directors, and usually represents this association at the meetings of the State League. It was also largely through his instrumentality that Clark county has such an excellent law library. He induced the surviving subscribers of a fund for a Bar association to donate a fund of some three hundred dollars in their possession as a nucleus for a library fund. This was done and receiving the hearty support of the Clark county Bar, the result is the present fine collection of law books and legal literature. While Judge Rockel has always, since his entrance into the pro-

fession, been a student of law books, he also been an author and contributor to law publications. The papers he has most favored are the *Central Law Journal*, of St. Louis, Missouri, and the *Weekly Law Bulletin*, of Columbus, Ohio. He was one of the contributors to the first twelve volumes of the "American and English Encyclopedia of Law," but the duties of his office compelled him to desist. The first product of his pen to appear in separate book form was a pamphlet entitled, "Questions Selected from the Decisions of the Supreme Court of Ohio." The next was, "Ohio Mechanic's Lien Law." The next and last, also the most widely known, was entitled "Complete Guide for Township officers." The first edition of this work was put upon the market in 1890, and the book is now in its fourth edition. These legal publications have made Judge Rockel's name well known to the profession throughout the State. During the five years he has occupied the position of probate judge, he has had the satisfaction of knowing that his work was at least fairly done, as he has not been reversed in a single case in the higher courts. He was appointed by the Supreme Court of the State in 1890 as one of a committee of attorneys to examine applications for admission to the Bar, and remained on this committee until he assumed the duties of probate judge. Politically, nearly all of Judge Rockel's ancestors were of Democratic faith, and his first ballots were cast for the candidates of that party. But this continued but a very short time, when he allied himself to the Republican party, in which he has been a faithful member. He believes in granting to every one in the exercise of his political or religious convictions the fullest possible rights consistent with good government. He is a member of the First Lutheran Church of the city in which he resides, and a director of the Y. M. C. A. Judge Rockel is a member of Clark Lodge No. 101, F. and A. M., and of Red Star Lodge No. 205, K. P., and of Uniformed Rank, Division No. 44, K. P. He is now serving as colonel and assistant judge advocate general on the staff of Brigadier-General Howe, of the Ohio brigade, U. R. K. P. On April 22, 1896, he was united in marriage to Miss Nettie Grace Curley, an accomplished young lady of Beatrice, Nebraska. Judge Rockel has been the architect and builder of his own fortune. He began his career with no other resources than those with which nature endowed him, and he has had but little financial assistance from friends or others since. His standing in the profession and in the community may be gathered from the following statement made by a prominent and leading member of the Bar: "Judge Rockel is highly respected both as a citizen and as a lawyer. He is more of a lawyer than he is an advocate. He has been a hard student, and his text books have been read understandingly. His practice, his writings and his decisions, all show that he has assimilated the correct principles of law. His judicial turn of mind fits him in an eminent degree for the Bench. In his present position he has given excellent satisfaction."

THOMAS B. WILLIAMS, New Lexington. Mr. Williams, prosecuting attorney of Perry county, is a native of Ohio. He was born at Pomeroy, January 5, 1870. His parents were Benjamin and Elizabeth (Johnson) Williams, both natives of Wales, who came to the United States in 1863 and settled at Niles, Ohio, later removing to Pomeroy and finally locating at New Straitsville, in Perry county, where they reside at present. Thomas B. received his education in the public schools of New Straitsville, graduating from the high school with the class of 1889. He had decided on the profession of law as a vocation, and immediately after leaving school took up his legal studies, one year privately, then for a period of two years at the Cincinnati Law School from which he was graduated in 1892. He at once began the practice of his profession at New Straitsville alone, being the only attorney in the town. In the fall of 1893 he was elected to the office of prosecuting attorney of Perry county, which office he still fills. Mr. Williams has the confidence and respect of the people of Perry county, and as an indication of the esteem in which he is held by the profession of which he is a member, we quote from the remarks of one of the leading attorneys of the Perry county Bar:

"T. B. Williams is a young man and no one can tell what an attorney of thirty will be when a quarter of a century has been added to his cycle of time. Mr. Williams has, however, already accomplished enough to entitle him to the respect of the community. His father was a miner and as such only earned sufficient wages to supply his family with the necessities of life. To give his children much in the way of educational advantages was impossible. Young Williams went to work in the mine before he was ten years old, and kept it up whenever there was work to do, until after he graduated from the public school of New Straitsville. When at work he attended school at night and kept up with his classes. After his graduation he kept at work until he earned sufficient money to carry him through the Law Department of the Cincinnati College. He determined in early life to better his condition and went about it in the only practical way—by his own individual efforts. That he earned his daily bread from childhood, procured for himself a fair literary education, had a degree conferred upon him by one of the leading law schools of the country and established himself in a learned profession before he was twenty-five years of age, forms a pretty fair prognosis of what the future of the man will be. If he shows the same degree of industry, integrity and ability in the future that he has in the past, then he will get somewhere near the top in his profession."

Mr. Williams has, since he came into the office of prosecuting attorney, tried some notable cases. In the two cases of the State vs. Underwood and Napier, which he conducted without assistance, both were convicted of manslaughter, a very good verdict considering the state of public opinion. Mr. Williams is a member of the Republican party and takes an active interest in party politics. He was married November 30, 1893, to Miss Sarah A. Griffith, daughter of David G. Griffith, now of Whiting, Indiana, one of the prosperous suburbs of Chicago.

MOSES M. SAYRE, Urbana. Mr. Sayre is a lineal descendant of revolutionary stock. His great-grandfather was a soldier in the army of General Washington, and participated in most of the important movements of his army. Relics captured by this grand sire at the battle field of Monmouth are still in possession of the family. His grandfather was a soldier in the war of 1812-14, serving on the frontier against the British and their Indian allies. The family are of English and Scotch descent and were among the early settlers of the colonies. The grandfather of our subject came to Ohio in 1808, from Virginia, and settled on a farm near Urbana in Champaign county, where the remainder of his life was passed. Martin Sayre, the father of Moses M., was born on this farm, and after marrying settled on another within eight miles of Urbana, on which he spent all his mature life and died in 1892, at the age of seventy-five. This farm is now owned by Mr. Sayre, and on it he was born on the 21st day of November, 1849. His mother, Jane C. Sayre, was a native of Champaign county, daughter of Moses McIlvain, of Salem township. Moses M. was brought up on the farm and spent his boyhood days in attending the district school and working on his father's farm. At the age of nineteen he entered the preparatory department of Oberlin College and remained at that institution four years, reaching the junior class, when he applied for dismissal in order to finish the course at Yale University. He applied for admission to that institution and after a rigid examination was admitted to the senior class and was graduated with the class of 1874, receiving the degree of Bachelor of Arts. After teaching for one year he took up the study of law in the office of Judge William Lawrence, at Bellefontaine, Ohio, where he devoted two years to legal studies. He was admitted to the Bar in May, 1877. In January, 1878, he opened an office in Urbana for the practice of law, alone, and has so continued to the present time. During the eighteen years that Mr. Sayre has devoted to the practice of law he has given his time entirely to his profession. He has not engaged in politics or in any outside business ventures. While his practice is a general one he caters more especially to commercial business and makes it a rule never to take a case into court that can be settled outside. He leaves criminal practice to those who have a taste for that class of business. In his party affiliations Mr. Sayre is a Republican, though he takes no active interest in politics. He represented the senatorial district in the State senate for the years 1882 and 1883, but was not re-elected, as there is an unwritten law that the office shall pass around to the different counties in the district consecutively. He has never accepted a nomination for any other office. He was married in 1881, to Miss Ella Morris, daughter of Thomas and Maria (Keller) Morris, of Champaign county. They have three children, one son and two daughters. Mrs. Sayre's ancestors were among the pioneer settlers of the county. Mr. Sayre's standing in the community is high both as a business man and as a citizen. His standing in the profession may be gathered from the expression of one of the leading members of the Bar of the county: "Mr. Sayre is not a conspicuous figure in court practice, though he is a well educated man and a well equipped lawyer. He has a good office practice and



FRANK H. SOUTHARD

GEORGE K. BROWNING

SIMEON M. WINN

ALFRED A. FRAZIER

does a large business for outside firms and corporations. He is well adapted for that special line of practice. He is well posted in law and is conservative and reliable. I believe he finds his time pretty well occupied with his special line of practice and makes no effort to get court cases other than what arise in the course of his business. He is honest, trustworthy and a good citizen."

FRANK H. SOUTHARD, Zanesville. Honorable Frank H. Southard is a native of Ohio, born at Hanover, Licking county, October 31, 1842. His ancestors on both sides were of the early settlers of America. His father's people first settled in New Jersey, about 1630, his grandfather later removing to Pennsylvania. His grandfather came thence to Ohio, and settled in Licking county, in 1804. His father, Isaiah Southard, in early life engaged in the iron business, but abandoned it later and engaged in agricultural pursuits, in which he continued until his death, in 1885. The Parnell family, Mr. Southard's maternal ancestors, were of Irish nativity. They settled in Baltimore, Maryland, in the early part of the seventeenth century. In his boyhood days Mr. Southard attended the public schools. At the age of eighteen he entered Dennison University at Granville, Ohio, remaining there for a period of three years. In 1863 he entered the senior class of the Ohio Wesleyan University at Delaware, and was graduated with the class of 1864, receiving the degree of Bachelor of Arts. He studied law for one year under the tutorship of Follett & Follett, of Newark, Ohio. In the fall of 1865 he entered the Law, Department of the University of Michigan, at Ann Arbor, completing the course in one year. He was admitted to the Bar in the fall of 1866, at Mt. Vernon, and at once entered upon the practice of his profession at Zanesville, in partnership with his brother, Milton I., now of New York City. This connection continued until his brother was elected to represent the Fifteenth District in Congress, in the fall of 1872. Since that time he has continued the practice alone. During the thirty years he has been in practice at the Zanesville Bar Mr. Southard has built up a large and lucrative practice, and ranks with the leaders of the Muskingum Valley Bar. He began his career as a lawyer and has never been anything else. His time has been devoted entirely to his profession and he has won his position by conscientious labor. Speaking of his standing in the profession and his ability as a lawyer, one of the best known members of the Zanesville Bar, said: "Frank H. Southard must be classed with the ablest attorneys at this Bar. He belongs to that class who have eschewed everything else for their profession and whose rise is the result of honest, conscientious labor. No man is smart enough to be a good lawyer without work, and Mr. Southard has never shown any inclination to slight the drudgery of the profession. He is faithful in the discharge of his duty to his clients and at the same time a fair antagonist in the litigation of a case." In politics Mr. Southard is a Democrat, but has never taken an active part in partisan affairs and never accepted a nomination for any elective office. He

was nominated for Congress in his district in the summer of 1896, during a temporary absence from home, but on his return declined the nomination. He is a member of the Masonic Order. In 1872 he was married to Miss Laura L. Laughry, daughter of John Laughry, of Portsmouth, Ohio. They have one son, Carlisle M. Southard, now reading law in his father's office.

GEORGE K. BROWNING, Zanesville, prosecuting attorney of Muskingum county. Mr. Browning is a native of Muskingum county, born on his father's farm in Hopewell township, March 26, 1860. His parents were James and Elizabeth (Shepard) Browning, both natives of Virginia. Both of his parents were of Anglo-Saxon descent, and their ancestors were among the pioneer settlers of Virginia. His father brought his family from Virginia to Ohio in 1856, and settled on a farm in Muskingum county. George K. received his elementary education in the public school of his district, and practical lessons on his father's farm between school terms. In 1884 he entered the Muskingum College at New Concord, remaining there three years. In 1887 he commenced the study of law in the office of John W. King, at Zanesville, pursuing his studies for three years. He then entered the Law Department of the University of Michigan, from which he was graduated in 1891 with the degree of Bachelor of Laws. He returned to Zanesville and read law for another year, when he was admitted to the Bar and to practice in all the courts of the State. He at once began practice alone at Zanesville. In the fall of 1893 he was elected prosecuting attorney of Muskingum county for a term of three years and has discharged the duties of the office in a manner that has been very satisfactory to the court and to the public. During his term of office he has tried about fifty felony cases and secured convictions of about eighty-five per cent. of them. One notable case was that of the State vs. Jacob Cherry, indicted for murder in the first degree. The defendant was represented by able counsel, and the defense was insanity. Among the one hundred and twenty witnesses examined there were many expert specialists, involving a vast amount of technical research. The trial lasted for twelve days and the State secured a conviction of murder in the second degree. Mr. Browning had no assistance in this or any other matter that came under his jurisdiction since he occupied the office. He is a man of exemplary habits, of strict integrity and moral worth. Of his professional standing one of the leading members of the Zanesville Bar said: "George K. Browning is one of our promising young attorneys. What his future will be I cannot say, but he has made a good start. As prosecuting attorney he has made a record that would be a credit to an older practitioner. He is a hard worker, attends to his business, and will undoubtedly succeed." He was married March 12, 1896, to Miss Helen M. Lewis, daughter of Henry and Harriett Lewis, of Lansing, Michigan. Mrs. Browning is a niece of Charles

D. Lewis, of Brooklyn, New York, the well known humorous writer under the *nom de plume* of M. Quad. Mr. and Mrs. Browning attend the Methodist Episcopal Church, of which they are honored members.

SIMEON M. WINN, Zanesville. Mr. Winn is a native of Muskingum county, born on his father's farm near Adamsville, January 27, 1862. His parents were Dolphin and Catherine Jordan Winn, the former a native of Loudon county, Virginia, and the latter of Baltimore, Maryland. Mr. Winn's paternal grandfather, William Winn, came to Ohio in 1823, and settled on a farm in Perry township, and was the first to break ground for cultivation in that part of the county. The family has been among the most prominent in Perry township, from its settlement down to the present time. Dolphin Winn died on the farm where he had spent the mature years of his life, in 1885, his widow still surviving him. Simeon received his rudimentary education in the district school in Salem township, which was supplemented by a course in the Adamsville high school. He put in the time between school terms in assisting with the work on his father's farm. In 1882, at the age of twenty, he began teaching and followed that avocation for the three years following, studying law privately as his duties would permit. In the latter part of 1884 he came to Zanesville and took up a systematic course of legal studies in the office of Frank H. Southard, which he continued for one year. In 1885 he entered Zanesville College, where he took a commercial course, keeping up his law studies in the meantime. In October, 1886, he was admitted to the Bar and at once began the practice of his profession at Zanesville. In November, 1887, he was elected prosecuting attorney of Muskingum county and three years later was re-elected, serving the county most acceptably for six years in that capacity. In politics Mr. Winn is a Democrat. He is a member of the Independent Order of Odd Fellows and Knights of Pythias, and is a Past Exalted Ruler of Zanesville Lodge No. 114 of the Benevolent and Protective Order of Elks. Said one of the leading members of the Zanesville Bar, in referring to his standing in the profession and in the community:

"Mr. Winn is recognized as one of the hard working and rising young members of the Zanesville Bar. He began his career as a teacher in the public schools of the county and has always been a hard student. Shortly after his admission to the Bar he was elected prosecuting attorney of Muskingum county and in that position his ability gained general recognition. He held the office for six years and during that time the business was the greatest for many years and he was a prominent figure at every session of the court. His defense of Elizabeth Honnold in 1890, on trial in the Common Pleas Court of Licking county, charged with murder, in which he secured her acquittal, gained for him quite a reputation as a criminal lawyer. Another case that attracted wide attention, which was brought about at his instigation, was the defeat of the amendment to the River and Harbor bill in 1890. He claimed the act to be unconstitutional and advised the county commissioners to ignore the notice of the Secretary of War. In the suit that followed, registered on the

docket as United States vs. the Commissioners of Muskingum county, his contentions were maintained by the Federal Circuit Court. For a young man his practice is both large and lucrative."

ALFRED ASHWELL FRAZIER, Zanesville. The Frazier family, as the name implies, is of Scotch origin. The progenitor of the American branch of the family, David Frazier, came to America in the early part of the last century and settled in Virginia. His descendants took part in the struggle for independence and have taken an honorable part in the history and development of the country. Samuel Frazier, the grandfather of our subject, removed from Ohio county, Virginia, to Belmont county, Ohio, about 1825, and ten years later removed to Muskingum county, and settled on a large tract of land in Licking township. Stocton Frazier, the father of Alfred Ashwell, was reared on the farm, and still resides on his farm in Muskingum township. Alfred A. was born October 19, 1854, and was reared on his father's farm. His mother was Elizabeth A. McCann Frazier, of Scotch-Irish descent. Her people also came to America in colonial times and settled in Pennsylvania, removing to Ohio early in the present century. Mr. Frazier's early education was obtained in the public schools of Muskingum township, which was supplemented by a course at the Dresden high school. In 1872 he entered Dennison University, where he spent three years. He finished his college course at the Wooster University, entering the sophomore class in 1876 and was graduated with the class of 1879, with the degree of Bachelor of Arts. He also received the second honors of his class. In the fall of the same year he entered the Law Department of the Cincinnati College, from which he was graduated in 1881, again standing second in his class and receiving the degree of Bachelor of Laws. In 1882 his Alma Mater conferred upon him the degree of Master of Arts. He began the practice of law in 1881, at Zanesville, in partnership with H. C. Van Voorhis, now representing the Fifteenth District in the National Congress. This association remained in effect until 1885, when Mr. Van Voorhis went out of the firm to accept the presidency of the Citizens National Bank. Since that time Mr. Frazier has been alone in practice. During the fifteen years he has been in the active practice of law he has confined himself strictly to the profession and built up a large and important clientage. Referring to his standing and ability as a lawyer, said one of the well-known members of the Muskingum county Bar: "A. A. Frazier must be classed with the successful practitioners of this Bar. He entered the profession thoroughly well equipped for the practice of law and has ever since been a conscientious worker and consequently is well grounded in the principles of law. He has always attended strictly to business, has no ambition for political preferment, has not dabbled in outside speculation, but has in short been purely a lawyer and is meeting with deserved success. His standing as a member of the Bar is irreproachable. He is of strict integrity, fair in his practice, and

upright in his dealings with all men. He is respected by the community and esteemed by the profession." In his political affiliations Mr. Frazier is a Republican and takes an active part in the advancement of the interests of his party. He was chairman of the executive committee for the years between 1885 and 1890. He was married in 1881 to Miss Emma L. Clark, daughter of James and Anna Wilson Clark, of Van Wert, Ohio, and of Revolutionary stock. They have one son and one daughter, named respectively, Florian and Florence. They attend the Putnam Presbyterian Church, of which Mr. Frazier is a member. During the year 1889 Mr. Frazier was one of the members of the board of examiners for admission of applicants for membership in the Bar, by appointment of the Supreme Court.

ALVIN W. KUMLER, Dayton. Judge Kumler is a native of Ohio. His ancestors were among the earliest settlers of the State. He was born on his father's farm near Trenton, in Butler county, January 30, 1851. He is a member of the well-known Kumler family of eight sons and three daughters. Six of the eight sons of the family became attorneys (one of whom has since deceased), and two of them have been judges, and all prominent in their profession. Judge Kumler obtained his elementary education in the common schools of his district, putting in the time between school sessions in assisting his father and brothers on the farm. His father appreciated the worth of an education and furnished each of his sons and daughters with that which proved of more value than wealth. Judge Kumler attended Antioch College for two years, after which he spent one year at the Ohio Wesleyan University at Delaware. He early chose the profession of law for his life work, and immediately after leaving school he took up the study of law in the office of the well-known law firm of Boltin & Shauck, of Dayton. Completing his ordinary reading, he entered the Law Department of the University of Michigan at Ann Arbor, from which he was graduated in 1875. He shortly after began the practice of his profession at Dayton, for the first two years alone, after which he formed a partnership with the Honorable R. M. Nevin under the firm name of Nevin & Kumler, an association that continued in effect until his election to the Bench of the Common Pleas Court in 1896. In 1879 he was elected city solicitor, and again in 1881, both times in the face of a large adverse majority. By an act of the legislature in the session of 1895-1896 one (additional) judgeship was added to the Third Subdivision of the Second Judicial District, which Judge Kumler now fills for five years. Judge Kumler has always been held high in the councils of the Republican party in the State, and his judgment has been frequently sought by his brothers, both at the Bar and in politics. In addition to his legal acquirements, he has good judgment, and his manners are very affable. Referring to his legal abilities and his standing in the profession, said one of the most conspicuous members of the Dayton Bar:

“Personally, Judge Kumler is a very popular man, and he is well liked both on and off the Bench—in the profession and out of it. The Judge has served but one year on the Bench, and his work has proven eminently satisfactory to the people and the lawyers. He has been in practice over twenty years and has taken part in much important litigation. He has a good mind and is well grounded in the principles of law. He is a pleasing and effective speaker, and states his law points logically and accurately. He has maintained himself well in every position in which he has been placed, and as a judge continues to do so. He has given his time entirely to his profession and is a good all round lawyer. His duties as judge remove him entirely from active work in the political arena, but what his party loses in active politics, will no doubt prove of gain to the whole people.”

JUDGE MILTON CLARK, Lebanon. Honorable Milton Clark, who is now judge of the Common Pleas Court, third subdivision Second Judicial District, was born at Foster's, Warren county, Ohio, October 27, 1848. His more remote paternal ancestors hailed from Ireland, but his grandfather emigrated from Maryland to the Northwest Territory before Ohio became a State. His mother was Ruth Crawford, of English descent. Both of his parents were natives of the State of Ohio. Both families settled near the town which was afterwards named Cincinnati. Judge Clark's boyhood was passed on the farm at every kind of work known to husbandry, and his primary education was obtained in the common schools. At the age of twenty he was qualified for admission to college, and matriculated at Ohio Wesleyan University, Delaware. He completed the full classical course, and received the degree of A. B. upon his graduation in 1873. He had already chosen the profession of law, and without delay entered upon the study of it in the office of Josiah Morrow, who was then one of the leading lawyers of Warren county. After studying one year under the instruction of Mr. Morrow he entered the Cincinnati Law School, from which he was graduated in 1875 as a Bachelor of Law. He first entered into the practice at Cincinnati, where he remained four years. Well equipped by learning and practical experience he removed thence to Lebanon, where he continued the practice without interruption until his election to the judicial office. He soon made for himself a name and a place at the Bar. His natural abilities, inclination and aptitudes, re-enforced by acumen, industry and fidelity to clients, were the potential influences which attracted a large clientele and built up a profitable business. Responding to the various demands, he went into all the State and Federal courts with all classes of cases, and proved himself a successful lawyer by either winning his cases or so conducting his controversy in a bad cause as to win the admiration of the Bench and command the respect of his adversary. He was in practice at the Bar about twenty years, and formed several partnerships during the time—first with I. N. Walker, second with A. M. Lewis, third with W. L. Dichant, and finally with F. N. Cunningham. At Lebanon, his home, no man stands higher as a citizen or more respected as an attorney. Referring to his career, one of the



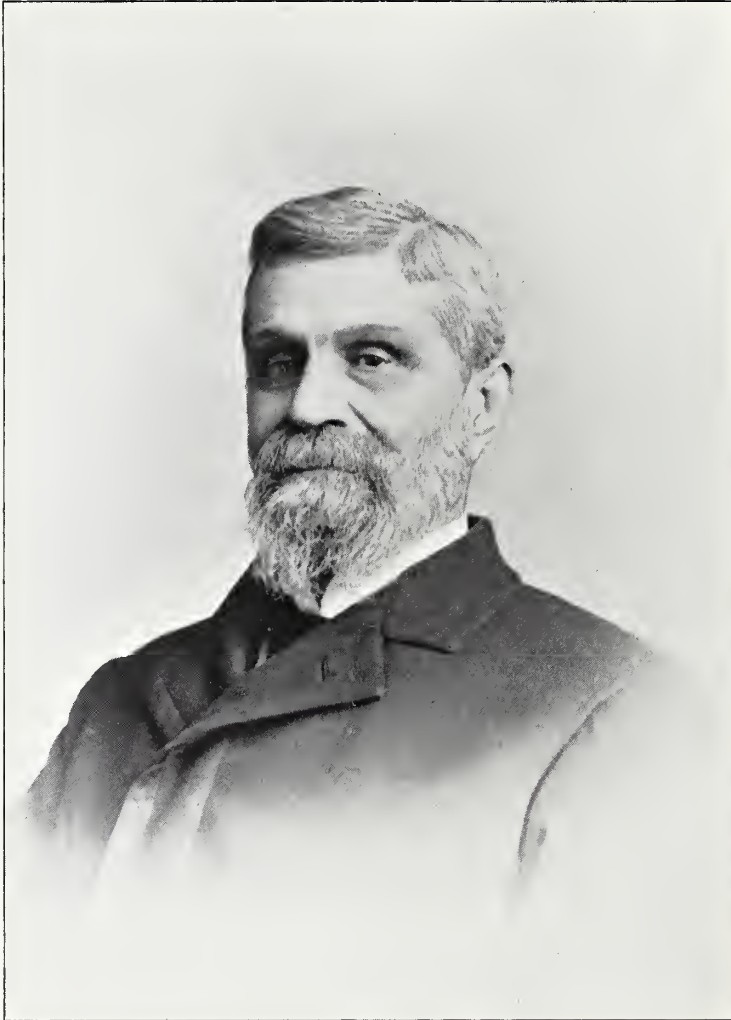
ALVIN W. KUMLER

MILTON CLARK

OREN B. BROWN

leading members of the Warren county Bar writes substantially as follows: Judge Clark is perhaps the best fitted man by nature and education to fill the position of judge of any man who has occupied the Bench of the Common Pleas Court of Warren county for many years. He has good judgment, an equitable mind, and is thoroughly well posted in the principles of the law. As a practicing lawyer he ranked with the best at this Bar, and when he was elected to fill the unexpired term of Judge Walter Dilatush, deceased, he received the endorsement of every member of the Lebanon Bar, thus evidencing their confidence in him. In the two years he has sat on the Bench he has demonstrated that this confidence was not in any respect misplaced. It is the universal sentiment with the members of the Bar here that when they go into court with a case they will get equal and exact justice for their clients in so far as his rulings and instructions will affect the result. He is absolutely impartial, interpreting and applying the law, as he understands it, without fear or favor; and he is in a position to do this. His elevation to the Bench was due solely to his recognized fitness for the place, and it came to him unsought. He was a member of the Lebanon Bar for about fifteen years before going on the Bench. He established his reputation as a strong lawyer in the case of the State vs. Graham and Coleman, the defaulting auditor and treasurer of Warren county, which took place in Lebanon some ten years ago. Because of the large sum involved, and peculiar methods used in effecting the embezzlement, the case attracted wide attention. He was retained by the commissioners to assist Albert Anderson, the public prosecutor, and despite the fact that the culprits were defended by the ablest lawyers in the State, the prosecution was successful. His practice was large, and for several years he participated in most of the important litigation that arose in this county. One of his leading attributes is his ability to state his points clearly and concisely. He is unassuming in his manners, always courteous and affable in his intercourse with his fellow men, whatever may be their position in life. He is high-minded and honorable. In all the years of his practice at this Bar he was never known to stoop to a mean act to secure an unfair advantage of an opponent. As a citizen he has the respect and esteem of the entire community, not only at home but wherever he is known. He is a man of strong convictions. Politically he is a staunch Republican, but aside from regularly assuming his prerogative as an American citizen to cast his ballot he has not been active in politics. Judge Clark has never sought or accepted political office. His abilities, activities and energies have been employed in his profession. He was endorsed generally by the Bar for election to the vacant judgeship in 1895, and was again nominated by the Republicans for a full term in the spring of 1896 without opposition. He was married in 1878 to Miss Isabella Gordon, of Lebanon, and has two children living. One of his brothers, Lucien Clark, was for many years a prominent minister of the Gospel in the M. E. Church. The family occupies a high position intellectually, socially and morally. The judge is not a member of any social club or benevolent society. His family and home take the place of a club for enjoyment and recreation, and the opportunities for benevolence are open on every hand. He is strong, self-poised and upright.

OREN BRITT BROWN, Dayton. Judge Brown was born at Juddo, Orleans county, New York, June 27, 1853. His parents were Colonel E. F. Brown and Elizabeth Britt Brown, both natives of New York. Colonel Brown entered the United States service as commander of the Twenty-eighth New York Regiment in 1861 and lost his left arm at the battle of Cedar Mountain. Recovering from his wound he remained in the service until the close of the war, as post department commander. On the completion of the National Military Home at Dayton he was, in 1868, made governor, retaining the position until 1880, when he was made inspector general of the entire system of national military homes. Oren Brown's early education was obtained in the public schools of Medina, New York, which he attended until he came to Dayton with his father's family, in 1869. For two years thereafter he attended the Dayton high school, when he entered the Dennison University at Granville, Ohio, continuing his studies there for three years. In January, 1874, he entered the sophomore class at Princeton College, from which institution he was graduated in 1876. He began his legal studies the same year in the office of Gunckle & Rowe, prominent practitioners at the Dayton Bar. He was admitted to the Bar in 1878 and began practice at once. He was nominated for prosecuting attorney in 1879 and defeated by a small majority, the entire ticket being defeated. In 1881 he was the nominee of the Republican party for clerk of the courts of Montgomery county, and was the only one elected on his party ticket. He served in this position three years, declining another nomination in order to resume his law practice, which was done by forming a co-partnership with Oscar M. Gottschall, under the firm name of Gottschall & Brown, a relation that remained in effect until he was appointed to the Common Pleas Bench, in July 1896. Possessing both tact and ability he built up a valuable clientage early in his professional career. The firm of Gottschall & Brown has for several years been one of the most prominent in southwestern Ohio. Being in hearty sympathy with the principles of the Republican party and possessing qualifications of a leader, he very naturally became quite prominent in local and State politics, although he never accepted an office for himself that was not in the line of his profession. He represented the Third Congressional District as a delegate in the National Republican Convention at Chicago in 1888. During several campaigns he served as chairman of the county central committee and has represented the party frequently in State conventions. He was chairman of the Montgomery county delegation in the convention held at Zanesville in 1895, which nominated Bushnell for governor, Foraker for United States senator and McKinley for President. He was for many years president of the board of elections of the city of Dayton, and until he went upon the Bench. In June, 1896, upon the unanimous recommendation of the Dayton Bar, Mr. Brown was appointed by Governor Bushnell to the judgeship of the Common Pleas Court, third subdivision of the Second District, made vacant by the death of Judge Elliott. At the November election of the same year he was chosen judge for a full term of five years. Referring to his career as a lawyer and a citizen, one of the practitioners of the Dayton Bar, remarked :



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G. B. Hollister

"So far Judge Brown's work on the Bench has been very satisfactory and I have no doubt that he will maintain himself well in the position under all circumstances. He is well versed in the principles of law and has good judgment; is fair and impartial, firm in his convictions, dignified in bearing and commands the respect both of the Bar and of the public. As a lawyer he has been a success and as a public-spirited citizen he is universally respected. Like all men of capacity and force he has created some animosity, but he has never stooped to take an unfair advantage of an opponent, either in the political arena or in the practice of law."

Judge Brown was married June 12, 1883, to Miss Jeanette Gebhart, daughter of Simeon Gebhart, an old and prominent resident of Dayton. In social circles Judge and Mrs. Brown are highly esteemed.

GEORGE B. HOLLISTER, Cincinnati. George B. Hollister was born at Plattsburg, Clinton county, New York, April 29, 1820. His father, Alva Hollister, who was a farmer, and his mother, Polly Munson Hollister, were natives of Manchester, Bennington county, Vermont, and resided at that place during most of their lives, each living to be considerably over seventy years of age. Mr. Hollister's paternal grandfather and his maternal great-grandfather were soldiers in General Ethan Allen's army of Green Mountain boys, and his ancestors, direct and collateral, took an active part in the American Revolution. When a youth Mr. Hollister attended the Burr & Burton Seminary, founded in part by his great-uncle, Josiah Burton, and was there prepared for Middlebury College, which he entered in the class of 1847. After two years of study at college his health failed, and in hope of regaining it he went to New Bedford, Massachusetts, and shipped on a whaling vessel then about to start on a long voyage. For two years and a half the vessel cruised in the Pacific Ocean, Behring Sea, and Sea of Okhotsk, and was the first whaler to enter the Japan Sea. After a successful voyage the ship returned by way of Cape Horn, bringing back the young sailor then in most vigorous health. In 1848 Mr. Hollister came to Cincinnati and entered the law office of Thomas J. Strait, then in active practice, with whom was S. S. Cox. Two years later he was admitted to the Bar, and has been in continuous practice for more than forty-seven years. In 1851 he was married to Laura B. Strait, the only daughter of his law preceptor. The children were Ella S., Emma B., Howard C., Thomas, Laura S., and Burton P. Hollister, and the family reside on Southern avenue, Mt. Auburn, where Mrs. Hollister has lived for fifty-six years. Mr. Hollister continues in the active practice of his profession in partnership with his second son, Thomas. In politics Mr. Hollister was a Whig, and became identified with the Republican party at its formation, and has since been an earnest supporter of it. While a member of the city council, as chairman of the law committee, it became his duty to take charge of the organization of the McMicken, or Cincinnati, University. He subsequently entered the board of trustees of that institution and remained a member for sixteen consecutive

years. In 1866 and 1867 he was a member of the Ohio Senate. For many years Mr. Hollister has been a member of the Presbyterian Church, and is now an elder in the Mt. Auburn Church.

GEORGE W. RISSER, Ottawa. On his father's farm in Putnam county, near Pandora, George W. Risser was born October 30, 1868. His father, David Risser, was a native of Bavaria, Germany, and his mother, Margaret Krohn, of German descent, was a native of Butler county, Ohio. David Risser left the Fatherland in 1856 for the United States—the land offering larger liberty and better rewards for labor. After living a short time in New York State he came on to Cleveland, where in June, 1861, imbued with patriotism for his adopted country, he enlisted in the Union army. He served throughout the war and was mustered out in November, 1865. Returning to Ohio he settled on a farm in Putnam county, where he has continued to live and prosper with the thrift characteristic of the industrious citizens of his nationality. On the 24th day of May, 1866, he married the daughter of Samuel and Sarah Weaver Krohn, and George W. Risser is the first born of this union. He worked on his father's farm and attended the country school in boyhood, cultivating the habits of industry, economy and thrift while he acquired the rudiments of a substantial education, broadened later by attending a business college at Ada, Cleveland and Delaware, and rendered more practical by three years of teaching during the time he was a student. He was graduated from the business course of Delaware College. In October, 1891, he entered the Cincinnati Law School, where he remained to complete its course of study and from which he received his degree of Bachelor of Laws on the last day of May, 1893. The next day he was admitted to the Bar of Ohio, with permission to practice in all of the State courts. He settled in Ottawa at once and entered the office of A. V. Watts, where he remained two years. On the first day of January, 1895, he opened a law office on his own account and has carried on a general practice alone to the present time. Although a young practitioner he has managed a considerable amount of important litigation, and so successfully as to prove his adaptability to the law. Politically Mr. Risser is a Democrat, zealous for his party's success and active in behalf of it. During the campaign of 1896 he loyally supported the ticket nominated by the convention held in Chicago. He is a pleasing, argumentative speaker. In 1897 he was nominated by his party for prosecuting attorney of Putnam county, and was elected in November by a plurality of more than eighteen hundred, the largest plurality ever given to a candidate for that office in the county. Mr. Risser is a member of the order of Free and Accepted Masons and of the Knights of Pythias. He is manager of the Ohio Telephone Company, operating in Putnam county, and has already made a reputation as a business man equal to his reputation at the Bar. The elements that combine to make him a strong character are well compacted in him, and his personal worth is duly attested.



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Howard C. Hollister.

HARRY D. CRITCHFIELD, Mount Vernon. Harry D. Critchfield is a native of the State and of Knox county. He was born on a farm within six miles of Mount Vernon. His boyhood until the age of sixteen was spent in work on the farm and in attendance at the district school. For the next two years he was a student in the high school at Urbana, after which he worked for several years as a clerk in mercantile houses at Mount Vernon. The confinement indoors had a deleterious effect upon his health and he went to the mountainous regions of the West to recuperate. After spending four years in Montana and regaining his health he returned to Mount Vernon and took up the study of law. He studied in the office of Critchfield & Graham from December, 1887, to March, 1889, when he was admitted to the Bar. For the first five years he practiced alone, and then, in January, 1894, he received H. C. Devin into partnership, and the firm of Critchfield & Devin, then formed, continues in business. In April, 1892, Mr. Critchfield was elected city solicitor, and in 1894 was re-elected, holding the office four years and performing the duties appertaining thereto in a very efficient manner. During his continuance in the office he was called upon to defend the municipality in several important suits brought against it for damages. With zeal and ability he guarded the corporation from all attempts to loot the public treasury. At the same time he advocated a liberal policy in the matter of street improvements and kindred enterprises undertaken to promote the beauty, the material prosperity of the city and the comfort of her citizens. The paving of streets was an incident of great importance whilst he was the official adviser. In private practice he has secured a valuable clientage, whose business he manages successfully both in and out of the courts. He is the adviser and active attorney of some large companies whose business is not only extensive but involved. Among his clients are C. and G. Cooper & Co., of Mount Vernon, proprietors of the water works. The duty of winding up the affairs of the Mount Vernon Bridge Company was intrusted to him. Mr. Critchfield is an active, earnest, zealous Republican. He was appointed the first State organizer of the Republican League, and has served as chairman of the county executive committee. In politics, in his profession and in personal matters he is active, vigorous and successful. He is well read and generally informed on matters of public importance or concern. He is keen, shrewd, aggressive and a good speaker. His social status is indicated by membership in the Royal Arcanum, the National Union and all the Masonic bodies of the city. He was married January 20, 1890, to Miss Elizabeth Curtis, granddaughter of Hosmer Curtis. They have one daughter, Catherine C., five years old.

HOWARD CLARK HOLLISTER, Cincinnati. Judge Hollister was born September 11, 1856, on Southern avenue, Mt. Auburn, Cincinnati, Ohio. He is the eldest son of Honorable George B. Hollister and Laura B. (Strait) Hollister. George B. Hollister was born in Plattsburg, New York, of Vermont parents

and was, in fact, a Vermonter by family and training. Coming West, he was associated in the practice of the law with his wife's father, Thomas J. Strait, then one of the most successful lawyers in Ohio. George B. Hollister became a prominent member of the Bar of Hamilton county, Ohio, and served in the Senate of the State of Ohio. Howard Hollister was by inheritance, then, a lawyer. He was educated at the public schools, but left before he finished his course at Woodward High School to complete his preparation for college by two terms at Greylock Institution, South Williamstown, Massachusetts. In September, 1874, he entered the academical department of Yale University and was graduated in June, 1878. He has always had a magnetic social quality and a power of attracting and retaining friends, which made him one of the most popular and best beloved members of his large class of one hundred and twenty-five men. Although he did not make any particular effort to secure honors in scholarship, he derived a benefit from his college life in mental discipline and a knowledge of men which has stood him in good stead ever since. After graduation he returned to Cincinnati and studied law with his father and attended the Cincinnati Law School. He was admitted to the Bar of the Supreme Court of Ohio in May, 1880, and within a few weeks after received the degree of Bachelor of Laws from the Cincinnati Law School. In the year 1882 he was appointed assistant prosecuting attorney of Hamilton county and acquired a valuable experience while still young at the Bar in the trial of jury cases and the examination of witnesses. When he left the prosecuting attorney's office he became a member of the firm of Hollister, Roberts & Hollister. He developed an interest in his professional work and a power of application that soon attracted clients. After a practice of some ten years he was elected a judge of the Court of Common Pleas of Hamilton county, in the fall of 1893, by a handsome majority. He has brought to the discharge of his duties on the Bench the same industry and power of application which were shown in his practice, and in the administration of his office he exhibits a high appreciation of its dignity and responsibilities which is too often wanting in the members of the judiciary. He is making a valuable reputation as judge. Judge Hollister, on the 2nd of June, 1887, was married to Miss Alice Keys, a daughter of Samuel B. and Julia (Baker) Keys. They have four children, three boys and one girl. The judge's home is on Madison Road, East Walnut Hills.

COLUMBUS DELANO, Mount Vernon. Any history of the Bar of Ohio during the last fifty years, or, in fact, any history of prominent men of Ohio in any department during the period would be incomplete if it omitted any reference to Columbus Delano, who for more than half a century was one of the most brilliant lawyers, and one of the most cultivated of the prominent public men of the State. Through a long and busy career he was recognized as a leader in public affairs, and reached a high position among his contemporaries as a man of brilliant attainments, strict integrity and far-reaching



Orlando

influence. Columbus Delano was born at Shoreham, Vermont, June 15, 1809, and died at his residence, Lake Home, near Mount Vernon, Knox county, Ohio, October 23, 1896, in the eighty-eighth year of his age. At the age of eight years he was removed to Ohio, in the care of relatives, who settled in the county of Knox. His boyhood was passed on a farm, where he engaged in the usual farm work of that time, but he was devoted to study and made good use of all his spare time in the pursuit of knowledge. His elementary education was acquired at such schools as were then available, by means of which he gained a good common school education and a fair knowledge of the classics. He had an absorbing love of history, and at the age of eighteen he had read such standard historical works as were then available in a rural neighborhood. He was ever of a serious and thoughtful disposition and early looked upon life as a matter of the utmost importance, and after long deliberation he chose the legal profession as the vocation best adapted to make his way to a useful position in the community. In 1829 he entered the law office of Hosmer Curtis, at that time the leading attorney at the Knox county Bar. After three years' study he was admitted to the Bar, in 1832, and at once entered upon the practice of law at Mount Vernon. His success as a practitioner was immediate and phenomenal. Soon after his admission he had the good fortune to be retained as junior counsel in a very important case involving intricate legal questions and a large estate. By an accident he was left in sole management of the case when it came to trial, in which he achieved a signal victory, and at once gained such a reputation that he was elected prosecuting attorney in a county largely opposed to him in politics. He served one full term, and was re-elected, but resigned because of his rapidly growing practice, with which his official duties seriously interfered. His close application to business, his constant attendance upon the courts of his own and adjacent counties, his unusual skill and success as an advocate, his industry and prominence in his profession and his strict integrity met with their deserved reward, and at a comparatively early age he went to the front rank of his profession in Ohio, among the Ewings, Stanberrys and others, whose legal reputation was national. Mr. Delano was an anti-slavery Whig in politics, and while seeking no office and holding none, he was looked upon as the leading exponent of the principles of his party in all State and local contests, and his reputation as a stump orator extended beyond the bounds of his State. His congressional district was strongly Democratic, and a Whig stood little chance for official honors. In 1844, however, he was unanimously nominated as the Whig candidate for Congress, and although the Democratic candidate for governor for that year carried the district by a majority of over six hundred, Mr. Delano was elected over his Democratic opponent by a majority of twelve votes, after one of the most hotly contested campaigns in the previous history of the State. Mr. Delano took his seat in the Twenty-ninth Congress, in 1845, where he soon took high rank as a leader and debater in that eventful time. The Twenty-ninth Congress contained many men of great experience and ability. Mr. Delano was a member of the committee on invalid pensions, where he ren-

dered excellent service, but his influence was by no means confined to the duties of that committee. He bore an active part in the heated and often acrimonious debates of the session, and his career was brilliant. His district having been changed in the meantime, he was not a candidate for re-election, but returned home and closed up his business preparatory to a removal to the city of New York. At the Whig State Convention of 1848 he came within two votes of receiving the nomination for governor. Retiring from the practice of law he removed to New York as principal of the banking firm of Delano, Dunlevy & Co., with a branch at Cincinnati, Ohio, in which business he was very successful. In 1856 he returned to Ohio to engage in agricultural pursuits, for which he always had a very strong predilection. He was a delegate to the Chicago convention of 1860, and was an ardent friend and supporter of Mr. Lincoln. In 1861, at the outbreak of the war, he was appointed by Governor Dennison as commissary general of Ohio, and administered the affairs of that department with his usual thoroughness and marked ability. In 1862 he was a candidate before the Republican legislative caucus for United States Senator and again lacked two votes of the nomination. In 1863, he was a member of the Ohio legislature, where his legal talent and his thorough familiarity with public affairs enabled him to render most valuable service. In 1864, he was a delegate to the Baltimore Republican National Convention and was chairman of the Ohio delegation. He was elected to the Thirty-ninth Congress, in which he was chairman of the committee on claims, a position involving a vast amount of labor. It is a remarkable fact that during that session every bill that Mr. Delano introduced became a law. He was re-elected to the Fortieth Congress, in which he was a member of the committee on foreign affairs. March 5, 1869, he was appointed by President Grant commissioner of internal revenue. Here his careful business methods came into play and his administration of the affairs of that important bureau was marked by the most signal success. Under his administration the bureau was thoroughly re-organized and so effective was his management that, in a single year, he increased the revenues from distilled spirits more than 300 per cent. and on tobacco more than 400 per cent. It was during Mr. Delano's administration of the internal revenue department that the first colored man was appointed to a clerkship under the United States government. November 7, 1870, Mr. Delano was appointed secretary of the interior, a position he held until October 1, 1875, when he resigned and returned to his farm in Ohio. He discharged the duties of secretary with characteristic ability and painstaking method. From the time of his retirement from the interior department he spent his time at his beautiful country place near Mount Vernon, Ohio, where he enjoyed the well earned repose from life's labors, though he was far from being an idle man. He engaged in the active management of his large estate and in sheep raising, his flocks being among the finest in the country. He was the founder and for many years president of the National Wool Growers' Association, and he was the recognized champion of the wool industry during several tariff revisions of



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J. H. Tallis

the past two decades. In that behalf he was of great service to the flock masters of the country. In educational and religious affairs he took great interest. He was for many years trustee of Kenyon College and its ancillary institutions, and at the time of his death was chairman of the executive committee of its board of trustees. "Delano Hall," built by him, is a fitting memorial of his substantial interest in the institution. He was a life-long member of the Protestant Episcopal Church. In his religious life he was earnest, constant and straightforward. His zeal and devotion to his church and its interests were recognized by his associates in that he was a senior warden of St. Paul's Episcopal Church at Mount Vernon and was repeatedly elected a delegate to diocesan and national assemblies. For many years, and, at the time of his death, he was president of the First National Bank of Mount Vernon. He was one of the oldest Free Masons in Ohio at the time of his death. His domestic life was peculiarly happy and beautiful. In 1834, he was united in marriage with Miss Elizabeth Bateman Leavenworth, a native of Connecticut, who survives him. The fruit of this marriage was three children, one of whom died in infancy—Elizabeth, wife of Rev. John G. Ames, of Washington, D. C., and John Sherman Delano, who died a few months before the death of his father. Mr. Delano was not an ambitious man in the ordinary sense of that word, in that he was not self-assertive. What he gained in the way of public recognition he deserved by his recognized talent, his great industry, his careful and conscientious discharge of duty and his power as a public speaker. He was especially valuable as a cautious, conservative counsellor, not liable to be stampeded by excitement, and calm in the midst of alarms which were apt to sweep the average statesman from his moorings. So thoroughly grounded was he in the elementary principles that a longer experience at the Bar must have raised him to the very highest rank in the profession, if he did not really attain that position in his comparatively short career as a lawyer.

SHELDON H. TOLLES, Cleveland. S. H. Tolles was born at Burton, Geauga county, Ohio, October 1, 1858. His father, Henry S. Tolles, a merchant and a native of Connecticut, located in Ohio about 1850. His mother was Cynthia Hitchcock, a daughter of the late Judge Peter Hitchcock, who for twenty years was judge of the Supreme Court of Ohio and one of the most useful members of the constitutional convention of 1850. The early education of Mr. Tolles was in the district schools of his native town. Afterwards he entered the Western Reserve College, from which he was graduated in 1878. He at once entered the office of Judge J. B. Burrows, at Painsville, where he studied law and was admitted to practice in 1880. He then went to Minneapolis, Minnesota, and practiced there for one year. Returning to Ohio in the winter of 1881-2 he located in Cleveland and formed a partnership with Judge J. E. Ingersoll, the firm being Ingersoll & Tolles. This partnership was shortly afterwards dissolved, in consequence of Mr. Ingersoll's appointment as

judge of the Court of Common Pleas. Mr. Tolles then became the junior in the firm of Henderson, Kline & Tolles. In January, 1895, Mr. Henderson retired and the firm of Kline & Tolles was continued for one year, when it was augmented by the addition of two new members—W. F. Carr and F. H. Goff—and the firm of Kline, Carr, Tolles & Goff was formed. The practice of Mr. Tolles has been general, but he has always had a large amount of corporation and manufacturing business. He is a man of ability and high moral character, and his standing at the Bar and in the community is excellent. In politics he is a Republican but has never held an office or been an applicant for office. In 1887 he married Jessie R. King, of Painesville, and has two sons.

DANIEL A. RUSSELL, Pomeroy. Honorable D. A. Russell, one of the judges of the Fourth Circuit, is an excellent scholar, an eminent jurist, an esteemed citizen. He was born on a farm in Athens county, Ohio, September 2, 1840, and at the age of three years removed with his parents, who settled on a farm in Meigs county. His early educational advantages were such as the district schools of that county afforded. When he arrived at the age of sixteen he entered the Ohio University at Athens, where he studied two years, and then went to the Ohio Wesleyan University at Delaware, where he also remained for two years. He left college with the class of 1860 to continue his studies a little later, and in the meantime accepted a position in the county treasurer's office at Pomeroy. He remained but a short time in this office. The blood of the heroes of 1776 was in his veins, and when his country called for defenders he promptly laid aside his own hopes and aspirations and offered himself for his native land. He enlisted July 16, 1861, in Company E, Fourth Virginia Infantry, as a private soldier, and served with marked bravery in the first West Virginia campaign, participating in the battles of Hurricane Ridge, Charleston and Poliko, West Virginia. August 22, 1861, he was promoted for bravery on the field to the position of second lieutenant of his company. In September, 1862, he was again promoted to first lieutenant, and January 5, 1863, he was made captain of his company. His regiment was transferred to the West, and he took part in the important action at Haines Bluff, Mississippi, and served with Grant during the siege of Vicksburg, where he was twice hit by confederate bullets. He was with Grant's army at the battle of Cherokee Station, and the siege and capture of Jackson, Mississippi, and the famous battle of Missionary Ridge, where the entering wedge that split the confederacy in two was driven. From there his regiment was sent East and attached to Sheridan's army, operating in the Piedmont region of Virginia. He was an actor in the battles of Piedmont, Lexington, Lynchburg, Snickers Ferry, Winchester, Cumberland and other engagements that followed in rapid succession the movements of that dashing commander. His term of enlistment having expired, he was honorably discharged September 11, 1864. February 3, 1865, he was appointed major of the 187th Regiment Ohio Vol-

unteer Infantry, and served in that capacity until January 27, 1866, when he received his final discharge. After closing his army career, he took up the thread where he had dropped it in 1861. He entered the law school at Cincinnati, and was graduated in April, 1866, and admitted to the Bar at the same time. Having finished his preparation he returned to Pomeroy and took up the active practice of his profession in partnership with Louis Paine. This connection lasted for one year, when the partnership was dissolved. He next associated himself with John Cartwright, an arrangement that continued until 1874. He was city solicitor for six years, from 1873 to 1879. In 1874 he associated his brother, Charles Francis, in partnership with himself under the firm name of Russell & Russell. This firm continued in this connection until our subject, in 1889, went out of the firm to take a seat on the Bench of the Fourth Judicial Circuit, to which he had been elected the previous year for a term of six years, and to which he was re-elected at the close of the term in 1894. He is said to possess one of the ripest legal minds in the State. He was chosen as one of the delegates which met at Columbus, Ohio, in 1873 to revise the State constitution. Of his attainments and the esteem in which he is held by those who have known him longest, we reproduce quotations from a few men prominent in the profession from all parts of the fourteen counties which his circuit embraces, and from his colleagues on the Bench:

“‘Judge D. A. Russell stands high in his profession, and as a judge administers justice fairly and impartially. He is one of our foremost citizens, and is a liberal and public spirited man in all matters pertaining to the welfare of the community. In his practice he was a good all round attorney and as a trial lawyer was hard to surpass. Judge Russell is a lawyer of ability and an able practitioner, and as a judge is sustaining himself on the Bench. His decisions stand the tests of the higher courts.’ ‘At the time he was called to the Bench he was considered the best lawyer at the county Bar and had the largest practice. As a citizen he is held in very high esteem.’ ‘I have tried cases with Judge Russell and I know that he deserves his high reputation as a lawyer. He is conscientious and will not swerve in the discharge of his duty, unpleasant though it may be. As a soldier he had no superior, and as a citizen ranks high.’ ‘I have the very highest opinion of Judge Russell. Have known him for many years and have been associated with him in many very important cases, and he has the best ideas of the ethics of the profession of any man I ever knew. As a lawyer he has no superior in this district, and as judge is popular with the Bar and with the public. Socially, he stands high, and as a companion and friend no one can be more.’”

Judge Russell was married September 23, 1873, to Miss Florence R. Ralston, daughter of James Ralston, of Meigs county. They have three children: Ralston, Albert D. and Florence E. He is a member of Pomeroy Lodge Free and Accepted Masons, also of Bosworth Council and of the Grand Army of the Republic.

FREDERICK H. GOFF, Cleveland. F. H. Goff, the junior member of the firm of Kline, Carr, Tolles & Goff, was born at Blackberry, Kane county, Illinois, on the 15th day of December, 1858. His father, Frederick C. Goff, who is largely interested in coal mining, is a native of Connecticut. In 1854 he removed to Columbia, South Carolina, where he remained but a short time. He removed to Chicago in 1856, and from there went to Kane county, Illinois, where the subject of this sketch was born. In 1862 he removed to Chicago, where he resided until 1866. From Chicago he came to Cleveland, where he has since resided. The mother of Frederick H. Goff, Catherine J. Brown, was born in New York City in 1835. He attended the public schools of Cleveland until eighteen years of age. In 1876 he entered the high school at Ann Arbor, Michigan, where he was prepared for the university. In 1878 he entered the University of Michigan, and was graduated in 1881. Returning to Cleveland, he was appointed librarian of the law library, and at once began the study of law under the direction of Judge C. E. Pennewell. In 1883 he was admitted to the Bar. In October of the same year he began practice in the office of W. F. Carr. In the following year the firm of Carr & Goff was formed, and continued until January 1st, 1890, when the firm of Estep, Dickey, Carr & Goff was organized. January 1st, 1896, Messrs. Carr & Goff withdrew and assisted in forming the firm of Kline, Carr, Tolles & Goff. He continues in the practice as a member of this firm. Mr. Goff is the general counsel of the Cleveland Terminal and Valley Railroad, and the local counsel of the Baltimore and Ohio Railroad. He is a lawyer of ability, a close student, and occupies an enviable position at the Bar and in the community. Politically he is a Republican, but has never held or sought office. He is a member of the Rowfant Club, the leading literary organization of Cleveland. In October, 1894, Mr. Goff married Frances, daughter of W. P. Southworth, of Cleveland. By this union there is one daughter.

HENRY G. BAKER, Defiance. The subject of this sketch is a native of Ohio, born at Cleveland, September 22, 1857. His mother was a native of the State of New York, of Dutch lineage, and his father emigrated from Holland. His paternal ancestors, originally English, removed from England to Holland in the days of Peter the Hermit, at the time when the followers of that great preacher were making their first pilgrimage to the Holy Land. They possessed much of the self-abnegation and the consecration to duty that characterized the pilgrims of the Crusades and those of a later century who left Holland for America to secure freedom of conscience in worship. The family removed from Cleveland and settled in Defiance when Henry was only eight years old, so that his early education was acquired in the common schools of the latter city. It was begun and ended in the public schools, so far as textbooks and class recitations are concerned. In 1879, at the age of twenty-two, he commenced the study of law in the office of Hill & Myers, and was



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admitted to the Bar in 1881. Taking up the practice alone he continued in that way until January 1, 1897, when he formed a partnership with Honorable W. D. Hill, who was head of the firm in whose office he pursued his preparatory studies. Mr. Baker has always manifested lively interest in politics and affairs generally, supporting the Democratic party loyally by the full measure of his influence. In 1879 he was elected justice of the peace and enjoyed the distinction of being the youngest incumbent of that office in the State of Ohio. After discharging the duties of the justice's office two years he resigned. In 1890 he was elected probate judge and held the office one term. As candidate for re-election in 1894 he was caught in the avalanche which swept his party off its feet throughout the country, and was permitted to return to the practice of law. In 1892 he was appointed commissioner of the World's Columbian Exposition. This graceful compliment was bestowed by Governor Campbell, and was the last official act of that governor. He was one of the very active Ohio commissioners transacting business relating to the exposition, was chairman of the committee on education and a member of several other important committees. He is not actively connected with church or society affairs. September 12, 1881, he was married to Miss Lilian M. Steele, of Henry county, a cousin of Chief Justice Waite. Their only child is Myrtle, born September 11, 1882. Mr. Baker spent two or three years of his time, after being admitted to the Bar, in travel and observation through all the Western States and Territories, including the Republic of Mexico, which give him an opportunity of observing and studying the various conditions in the laws, manners and customs of the people upon our Western frontier and of its Mexican neighbors. He is a man of pleasing address, exceedingly urbane and courteous to all with whom he comes in contact, and though not possessing a classical education, he impresses himself upon strangers as a thoroughly educated man. He is an advocate of more than ordinary power, and is a natural orator. Though young in the practice, he has already attained a reputation as one of the best lawyers and advocates in northwestern Ohio. On the first of January last he formed a partnership with W. D. Hill, his former preceptor, and the firm of Hill & Baker now enjoys a lucrative practice at Defiance. It is conceded by everyone, both friends and political opponents, that in every public position he has filled he has done it with great credit to himself and to the service in which he was employed. His old-time popularity in Defiance county and northwestern Ohio has more than returned to him, and wiped out the sting of his defeat in 1894, which was brought about by financial failures in Ohio, with which he was supposed to be connected, but in which he was really not interested to the extent of a single dollar. In 1896 his friends urged him to be a candidate for his old position, probate judge, but he declined. His subsequent experience has shown that he would have been elected by an immense majority, but his law practice is more lucrative than the salary of that office. He is a man of untiring energy, and of sleepless vigilance in the prosecution of his business, never neglecting a

single detail which he thinks might be of service to his clients. If he continues to grow in reputation and usefulness as he has in the last two or three years he is destined to become one of the most eminent lawyers of the State.

WILLIAM L. PARMENTER, Lima. William Lewis Parmenter, born at Lima, Ohio, May 12, 1867, is of English descent. His father was Cornelius Parmenter, a native of Greene county, New York, who removed to Ohio in 1855, was for twenty years editor of the *Allen County Gazette*, the leading Republican paper of this section, and was post master of Lima by appointment of Presidents Lincoln and Grant. His mother was Mary E. Boyer, of Lima. He attended the public schools and was graduated from the Lima high school in 1884. After that he worked for one year at the printer's trade in his father's office, but not taking kindly to the business decided to study law. He pursued a course of reading in the office of Davis J. Cable. He entered the University of Michigan and took the law and literary course, graduating in 1888 from the Law Department, and forming a partnership with his former preceptor, which still continues under the firm name of Cable & Parmenter. The firm is energetic in the prosecution of business, progressive in its methods and has a general practice, taking cases in all the courts. One of the important cases conducted by them was that of Frank B. Craig vs. The L. E. and W. R. R. Co. This was an action brought for damages on account of personal injuries received by plaintiff while in the employ of defendant company. The case was tried in the United States Circuit Court in June, 1895, before Judge Hammond, and a verdict and judgment of \$12,000 for the plaintiff secured. This is one of the largest judgments ever entered in the United States Court at Toledo in a personal injury case. Mr. Parmenter is an ardent Republican; has always taken an active interest in the success of his party. He was unanimously elected chairman of the Republican executive committee of the Third Judicial Circuit (comprising sixteen counties), organized for the purpose of promoting the election of Judge James L. Price, and it is claimed that the result was largely due to Mr. Parmenter's personal efforts, as Judge Price was the first Republican ever elected judge in the circuit. He was married June 2, 1891, to Miss Hattie A. Crippen, daughter of Milton A. Crippen, of Lima. Of two sons born of this union, one, Warren Crippen, is now living. The family attends the Baptist Church. One of the oldest and most prominent members of the Bar contributes this testimonial: "William L. Parmenter shows great ability as a lawyer; is a persuasive speaker, and a man of considerable force, good sense and excellent judgment. He ranks as one of the leading members of the Bar of Allen county, and I predict for him a brilliant future."



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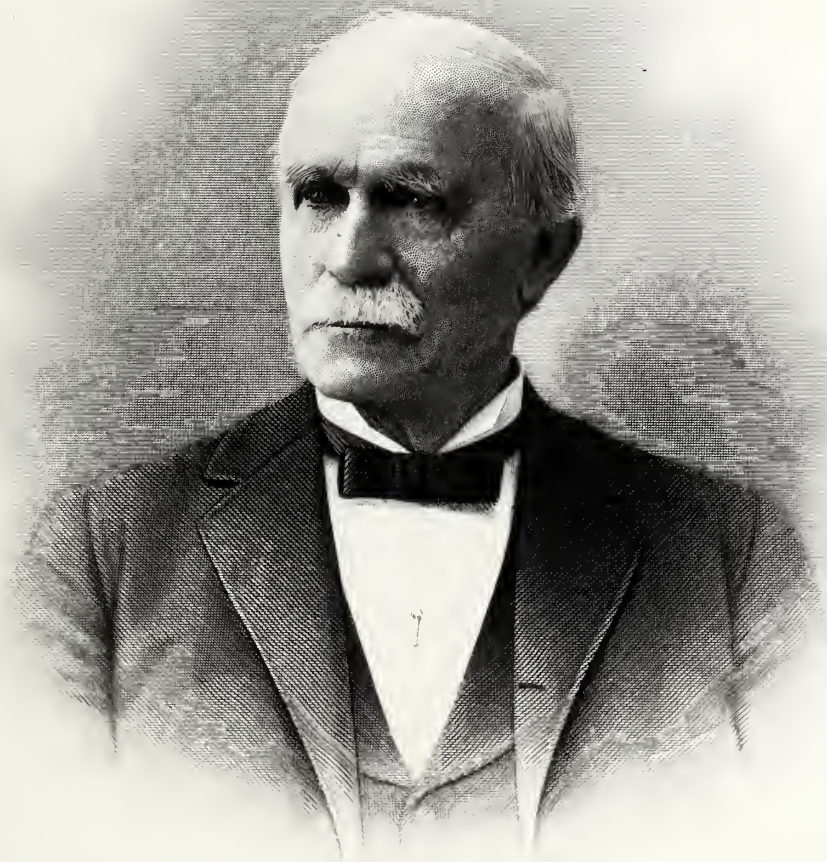
Evan N. Hopkins.

EVAN H. HOPKINS, Cleveland. Evan Henry Hopkins was born on the 4th day of November, 1864, at Johnstown, Pennsylvania. His father, David J. Hopkins, was of Welsh parentage, having been brought to this country when three years of age. His mother was Mary Jeffreys Hopkins, also of Welsh parentage, and also brought to this country, in her fourth year. Her father was the Rev. John L. Jeffreys, one of the foremost ministers of the Welsh Calvinistic Methodist Church in America. The parents of Evan H. Hopkins raised a family of nine sons and one daughter. Eight of the sons are still living. In his younger days E. H. Hopkins was connected with the Cleveland Rolling Mill Company of Cleveland, but at the age of nineteen years entered the Western Reserve Academy at Hudson, Ohio, whence he graduated in 1885 at the head of his class; he then entered Adelbert College in Cleveland, whence he graduated in 1889 with philosophical honors. He then entered Harvard, whence he graduated in 1892 with the honor degree, and while connected with the law school was one of the board of editors of the *Harvard Law Review*. Prior to his graduation at the law school, that is, in the fall of 1891, he was admitted to the Bar of Ohio. In the fall of 1892 he was chosen registrar of the Law Department of the Western Reserve University, and to him fell a considerable portion of the work of organizing that department. In the year of 1895 he was made dean of the Law Department, and holds that position now. In connection with his duties as dean he has also taught several of the subjects of the school course, having made a specialty of the subjects of torts, contracts and equity jurisdiction. The school was begun with a class of twenty-two in the fall of 1892, and now has an enrollment of ninety men, and offers one of the most extensive courses of study that can be obtained anywhere in the country. Since 1892 Mr. Hopkins has also been a member of the Cleveland public library board, and for the three years last past he has acted in the capacity of secretary of the board. He has also been a member of the board of directors of the Y. M. C. A. of Cleveland for the past two years. In 1892 he formed a partnership with Mr. Frank R. Herrick, and since that time this firm has practiced law under the firm name of Herrick & Hopkins. Mr. Hopkins married Miss Frances P. Shane, of Cleveland, in 1892, and by the union there is one daughter.

MOSES B. EARNHART, Columbus. Moses B. Earnhart was born on a farm near the village of Fletcher, Miami county, August 7, 1849. His grandfather Earnhart was a native of Germany, and emigrated to Pennsylvania in the early part of the present century, locating near Harrisburg, and subsequently moving to Ohio about 1820. The father of Moses was Jacob Earnhart, a minister, first of the Christain Church and afterwards of the Baptist denomination, serving in all some forty years in the pulpit. His mother was Philene Branson, a native of Miami county, Ohio, of German-English ancestry. Moses obtained his early education in the common school of his native village, and in the high school, from which he graduated in 1870,

entering the same year Miami University, from which he graduated in 1872. He then entered the Law School of the University of Michigan, and received his degree of LL.D. in 1874. Returning to Ohio, he was admitted to practice in 1875, and opened an office in Troy, with W. S. Thomas. In the fall of the same year he was elected mayor of Troy, serving in the office for two years, when he was elected city solicitor for the term of two years. During this time he formed a partnership with Judge Theodore Sullivan, which partnership continued for ten years. In 1879 he was elected prosecuting attorney, serving until 1883. At the Republican State Convention of that year he received the nomination for attorney general upon the ticket headed by Joseph B. Foraker. In the campaign, however, the Democrats were successful, electing Governor Hoadly and their entire ticket. In 1886 Mr. Earnhart removed to Columbus, where he has since resided. His first partnership in the latter city was with C. O. Hunter and C. P. L. Butler, the firm being Earnhart, Hunter & Butler. Four years later, upon the appointment of Mr. Hunter as general counsel for the Hocking Valley Railway Company, this firm was dissolved and Mr. Earnhart practiced alone until 1893, when he formed a partnership with Samuel Swartz. This partnership was dissolved in 1896 when Mr. Swartz was elected judge of the Police Court. Mr. Earnhart then formed a partnership with Franklin Rubrecht, which firm still continues. In 1893 Mr. Earnhart was elected State Senator from Franklin county, upon the re-election of Governor McKinley. Mr. Earnhart served one term. His practice is of a general character. He has been identified with many important cases, among which may be mentioned the testing of the constitutionality of the Dow Law; the Hocking Valley Company vs. Burke et al., involving many millions of dollars; the Bond-Rennick case, in which Mr. Earnhart represented the Wooster University. Mr. Earnhart has been especially successful as a criminal lawyer, having appeared in over twenty murder cases. Mr. Earnhart is an orator of the popular type, a forceful and ready pleader before a jury and fluent debater upon the stump. He is a close student of the social and economical questions of the day; a bold and independent thinker, and especially interested in the amelioration of the laboring classes. He is a frequent contributor to the press, not only on political questions, but also on those of a literary and philosophical character. He has a poetic imagination and analytic mind and had he so chosen might have been a successful writer in the fields of history, criticism and metaphysics. His style of expression is clear, simple and entertaining. In 1893 he was married to Miss Ida Morrison, of Columbus. They have two daughters, Helen and Philene.

STEVENSON BURKE, Cleveland. Whenever a complete roll of the really great lawyers of the present generation in the United States is called, the name of the subject of this biography must always be near the top. Stevenson Burke was born in St. Lawrence county, New York, November 26, 1824. At



Steuenson Burke,

the age of eight years he came to Ohio with his parents, who settled on a small farm in Lorain county. On this farm he worked as a boy at clearing the forest and cultivating the fields, contributing his share to the common support of the family, and at the same time developing a sturdy physical organization with powers of close, severe application. In boyhood he enjoyed only the educational advantages of the district schools of the country; but he was ambitious, aspiring always to larger opportunities and better things. His acquirements in the common schools served to broaden his horizon and stimulate his ambition. He qualified himself for teaching before reaching the age of seventeen years, and taught school successfully for several terms. During all this time he was an earnest student, unsatisfied with a superficial knowledge of any subject presented to his mind for investigation. This disposition to dig and to fathom and to sift, first manifested in the common schools, has characterized all the undertakings of Judge Burke's maturer life, whether of a professional or business nature. With indomitable will and dauntless courage he pursued his studies, supporting himself meanwhile with the wages earned at teaching, and benefited by the mental discipline and self-assertion which that occupation imposes. From all the fields traversed in youth he was gathering and sifting and assimilating treasures of knowledge and wisdom, as a contribution to the immeasurable resources of his professional and business career. He was a student in the Ohio Wesleyan University at Delaware in 1846, but did not remain long enough to graduate. Resolute in his purpose to connect himself with the lawyer's profession, and eager to begin the specific work of preparation, he entered upon the study of the law while at Delaware, under the instruction of Powell & Buck. Perhaps no young student was ever more deeply impressed with the dignity and majesty of the law than Stevenson Burke, and none ever had a deeper sense of the responsibilities and duties of a lawyer. Upon returning home he continued his preparatory studies under the capable direction of H. D. Clark, of Elyria; was admitted to the Bar August 11, 1848, and within a few months thereafter was received into partnership by his preceptor, Mr. Clark. His taste for the law was so keen, his preparation so thorough and his energy so persistent that his success was immediate and unmistakable. At the age of twenty-seven he enjoyed the largest clientage and controlled the most profitable business of any lawyer in Lorain county. At thirty he had fairly won his spurs in the front rank of lawyers in the district. The records of the Supreme Court note his appearance in nearly all the cases taken by appeal to that tribunal from the courts of Lorain county in the decade from 1851 to 1861. During the same period he was also retained in important cases brought in the United States District Court. It is proper to refer in this connection to his superior tact and shrewdness in securing the release of clients indicted for violation of the fugitive slave law, known in history as the "Oberlin Rescue Case." The United States judge was in political sympathy with the party that passed the law, and the power of the national administration was exerted through the attorney general's office to secure its vigorous enforcement. The United States district attorney was expected to

secure the conviction of all persons accused of aiding a fugitive slave on his perilous flight for freedom. To quote another's report:

"In the case in question the alleged slave had escaped from Kentucky and had settled in Oberlin, Ohio, where he had sought to enjoy the fruits of his labor and escape from the lash of the taskmaster. The owner, ascertaining his whereabouts, employed four stalwart Kentuckians, armed with the requisite documents, to go to Oberlin and arrest the slave and return him to bondage. For the purpose of getting him safely in their possession a decoy was employed to entice him to the country under the pretense of giving him labor. As he was riding along in the wagon with the decoy, and passing through a ravine, the four men sprang from the clump of bushes in which they had been hiding, seized the negro, handcuffed him and hurried him off toward the railway station at Wellington. The news of his capture spread through the country, and soon a vast crowd of people congregated at Wellington, the result being the liberation of the slave. Several of the citizens of Oberlin who were concerned in the rescue were indicted and tried under the fugitive slave law. They were ably defended by such men as Franklin T. Backus, Rufus P. Spalding and other eminent advocates, but in every instance the parties accused were convicted and sentenced to fine or to both fine and imprisonment. The cases caused a great sensation in the State and were watched from all parts of the nation. Salmon P. Chase was governor of Ohio and was in hearty sympathy with the accused. The Supreme Court of the State, upon hearing one of the cases divided in opinion, three against two, as to the validity of the law. Judge Burke had been retained by several of the accused. The time was approaching when they must stand trial. He saw the utter hopelessness of making defense in the United States Court as it was then organized, and the thought came to him that he could defend his own clients better by convicting the men from Kentucky of kidnapping, than any other way. It was a shrewd, strategic move, with a long reach into the future. Accordingly he had the cases brought before the grand jury of Lorain county and bills of indictment were promptly returned against the men from the South. They were arrested, taken to Lorain county and arrangements made for their trial. This prompt and decided flank movement on the part of Judge Burke opened the eyes of all concerned and caused the other side to do just what he had intended—as the Kentuckians were about as certain of conviction in abolition Lorain, as were the men from Lorain in Cleveland. A discontinuance of all cases was proposed by the attorneys of the kidnappers, and this was agreed to by the other side. The Kentuckians went free at Elyria and the Lorain men were taken out of jeopardy in Cleveland."

In 1861 Mr. Burke was elected judge of the Court of Common Pleas by a vote that was practically unanimous. Before the close of his first term he was re-elected, in October, 1863, without opposition. After serving two years of his second term he resigned, in order to re-enter the practice in a wider field. He was prompted to this step solely because of the inadequacy of the compensation as measured by the salary fixed by law. He was worth much more than that and could earn vastly more, either in litigated cases or as a counselor. The judicial office was entirely in harmony with his taste, his temperament and his capabilities. He loved the Bench and the administration of justice. He regarded with affection members of the Bar that practiced in his court. He was in turn esteemed and beloved by the Bar. His intuitive per-

ception, powers of keen analysis and logical argumentation; his exact knowledge of the law; his capacity for thorough exposition and lucid statement; his clear, sound judgment, unbiased to a degree rarely excelled in a human judge; his absolute and incorruptible integrity; his powers of original thought, and his intellectual independence—all these, with his perfect health and remarkable powers of endurance, combined to make him a model judge. It is cause for deep regret that the rewards of office are not sufficient to hold a man of such ability and character in the judicial office. He removed to Cleveland in January, 1869, and formed a partnership with two great lawyers, F. T. Backus and E. J. Estep, which was terminated by the death of Mr. Backus the following year. The surviving partners remained together until 1875, and subsequently Judge Burke was associated at different times with Judge William B. Sanders and Judge J. E. Ingersoll. The scope of his practice naturally widened and its importance increased. Almost immediately after locating in Cleveland Judge Burke was retained in very important railroad litigation. The foreclosure of mortgages on the Atlantic and Great Western Railway and the reorganization of the company occupied much of his time from 1869 to 1872. He was thus brought into personal contact with prominent business men and railway managers of Ohio and New York, and with leading lawyers of both States. Morrison R. Waite, soon to become Chief Justice of the United States Supreme Court, represented the Atlantic and Great Western, while the client of Judge Burke in the same litigation was the Erie Railroad Company. All parties to the controversy at length submitted the whole matter to Mr. Waite and Judge Burke as arbitrators, by whom the complications were adjusted and disposed in a manner satisfactory to all parties interested. In 1878 Judge Burke was retained by L. E. Holden, Cleveland, to defend his title to valuable mining properties in Utah against adverse claimants. The interests involved in the series of cases concerning the Nez Perces and Old Telegraph Companies were large, and the judge, as principal counsel, was required to make two journeys to Utah in conducting the litigation, and was completely successful, with the aid of counsel resident at Salt Lake, in establishing his client's title. Cases of great magnitude required his presence in the higher courts, and no lawyer appeared more frequently in the Supreme Court of the State in the argument of such cases for twenty years, and until other interests than the strictly professional divided his time. Among the railroad cases with which Judge Burke has been connected as counsel are some of the most important ever carried to the Supreme Court of the United States. A few only can be mentioned. He represented the Pennsylvania Company in its complicated litigation with the St. Louis, Alton and Terre Haute Railroad, in the United States Circuit Court for the District of Indiana. The nature of the action was a bill in equity to enforce specific performance of a contract of lease of a railway, and contracts of guarantee. There were cross appeals from the Circuit to the Supreme Court of the United States, where the cases were argued exhaustively January 14 and 15, 1886, by Judge Burke, representing the Pennsylvania, and by the late Senator Joseph E. McDonald and his partner, John M. Butler, rep-

representing the St. Louis, Alton and Terre Haute. Mr. Justice Miller, who was then probably the ablest jurist on the Supreme Bench, sustained the contention of Judge Burke in a very elaborate opinion, which was concurred in by seven members of the court, only two dissenting (U. S. Reports 118, pp. 290 et seq.). Another branch of the case was argued by the same counsel in March, 1888, and decided in April following, Mr. Justice Matthews delivering the opinion for the court. (U. S. Reports 125, pp. 658 et seq.) These cases involved close and intricate questions which had not been before adjudicated, and material interests of a million and a quarter dollars. McGourkey vs. Toledo and Central Ohio Railroad Company (U. S. Reports 146, pp. 536 et seq.), was another case involving equally nice distinctions of law and vast material interests. Judge Burke represented the appellee in the Supreme Court, as he had been counsel of the plaintiff in the Circuit, and was successful. The opposing counsel representing the defendant corporation were ex-Governor George Hoadly and Fisher A. Baker. The case was argued in the Supreme Court in November, 1892, and decided the following month. The opinion of the court, seven justices concurring, was delivered by Mr. Justice Brown and filled twenty-five printed pages of the reports. Another celebrated case was one growing out of the consolidation of the Cleveland, Columbus, Cincinnati and Indianapolis Railway with the Cincinnati, Hamilton and Dayton. It was argued on one side by Honorable Benjamin H. Bristow, of New York, Aaron F. Perry, of Cincinnati, and George K. Nash, of Columbus, then attorney general of Ohio; on the other side by Judge Harrison, of Columbus, Judge Glidden, of Cincinnati, Judges Ranney and Burke, of Cleveland. Judge Burke had little time for preparation, but his argument in the case was great. It was concise, severely logical and directed to the questions at issue. The consensus of opinion of the lawyers who listened to him is that for clear, close, legal reasoning, and effective delivery, the argument is entitled to rank with any ever delivered before the Supreme Court of Ohio. A case which attracted attention, at least throughout the State of Ohio, was that brought to determine the constitutionality of the Scott liquor law, and argued in the Supreme Court by McDougall, of Cincinnati; Judge Ranney, of Cleveland, and Judge West, of Bellefontaine, supporting the law; and by Judge Burke, of Cleveland, E. W. Kittredge and J. W. Warrington, of Cincinnati, in opposition. The *Law Bulletin*, of Cincinnati and Columbus, in its issue of June, 1884, says:

“The argument of Judge Burke, of Cleveland, who represented Butzman and Mueller in the Cleveland Scott law case, was undoubtedly one of the finest efforts ever heard in the hall of the Supreme Court, where have been heard so many of the great arguments of eminent lawyers who ornamented the Bar of Ohio in the last half century. He speaks rapidly, but with great distinctness being easily heard throughout the hall of the Supreme Court, so distinguished for its bad acoustics. There is little merely oratorical and ornamental in his speech, but his language is to the point and is noted for its clearness, compactness and plain English. His repartee is remarkably quick and sharp. Whenever interrupted by questions and remarks from the court or counsel, he was not only found immediately ready, but never failed to turn the point so

as to make it a strong one in his favor. It seems certainly bad policy for his adversaries to interrupt him with questions or remarks. From what we heard we would think it much safer for opposing counsel to keep quiet and let him have his say. Listening to his argument on the constitutionality of the clause of the Scott law requiring the written consent of the lessor to the carrying on of the traffic on the premises by the lessee, as being within the constitutional inhibition of license under the definition given to the word 'license' by the Supreme Court in the Hipp and Frame cases, we considered it almost unanswerable, and were not surprised when the court decided that question in his favor. It would be a great treat for the Bar of Cincinnati to hear Judge Burke argue a great case in one of their courts. He would remind them of Senator Pugh, whom he, in many respects, resembles."

The penetration and intellectual power of Judge Burke, in discerning the niceties of the law and in the elucidation of obscure questions raised for the first time, are great; his resources in the trial of a case are marvellous. He is cool, self-possessed, quick to see the relevancy and the importance of testimony, keen and persistent in the cross-examination of witnesses. A reluctant witness gives up the truth almost unconsciously in response to the searching questions of the lawyer. No evasion is effective; no effort at concealment escapes detection. Judge Burke is possessed of the power of assimilation which appropriates to his own growth and advantage all his reading and knowledge, however acquired. It becomes a part of himself, available on demand. This rare capacity augments his power as a trial lawyer and must be considered in estimating the sources of his strength. He knows the principles of the law and the rules of construction; and possesses in a conspicuous degree the logical faculty of applying the rules to a given case. His genius takes hold of known principles and applies them to new questions. In a legal argument he imparts to the court full and accurate knowledge of his case with courage and force. The qualities which most deeply impress a jury in his advocacy are clearness of statement, forceful presentation of the facts and readiness in questions suddenly raised. He is always quick with a responsive answer, and his repartee attests his thorough mastery of the subject. Although this biography is intended especially to represent the professional side of Judge Burke, it would be manifestly incomplete without a brief reference to his executive ability and organizing faculty, as exhibited in his grasp of the involved problems of business and the management of railroad properties. He is one of the few men who can be great in commercial affairs without detracting from his greatness as a lawyer. For many years he was general counsel for the Cleveland, Columbus, Cincinnati and Indianapolis Railway Company; was a member of its directory, and for several years vice-president and afterwards president; chairman of its finance and executive committees. He was the general counsel of the Cleveland and Mahoning Valley Railroad Company fifteen years; has been its president since 1880, and for twenty-five years, as attorney, has represented the owners of all the stock. He has filled the offices of vice-president and president of the Indianapolis and St. Louis Railroad Company. In June, 1881, he entered into negotiations with the president and others inter-

ested in the Columbus and Hocking Valley, the Ohio and West Virginia and the Columbus and Toledo railroads, which terminated on the 16th of that month in his agreement to purchase the entire capital stock of the three roads for himself and associates, at a cost of \$7,000,000. This gave him control of the railroads carrying coal from the Hocking Valley fields, in which he already had large holdings and in which his possessions were immensely increased soon afterwards. In 1885 he acquired control of the new line of the Ohio Central running from Toledo to Corning, the center of the coal field, with a branch to Columbus, giving in exchange a small percentage of the stock of the Columbus, Hocking Valley and Toledo Company. To consummate this exchange he was obliged to make contracts with nearly all of the eight hundred stockholders of the Toledo and Ohio Central Company. He purchased for William H. Vanderbilt the New York, Chicago and St. Louis road, commonly known as the "Nickel Plate." The negotiations, lasting nearly three months, were conducted with perfect secrecy by Judge Burke, only three men besides himself—Mr. Vanderbilt, General Devereux and Augustus Schell—having a hint of it before its final consummation, October 26, 1882. The contracts were executed in Judge Burke's name, and, so far as the vendors knew, the property was purchased for his associates and himself. The amount of money entrusted to him and paid out in that transaction was somewhat over seven million dollars. In speaking of this subject, a leading railroad man of Cleveland said:

"There have been, up to this time, built in this country three parallel and competing lines of railroad. The New York Central has been paralleled by the New York, West Shore and Buffalo; the Lake Shore was paralleled by the New York, Chicago and St. Louis; the Columbus, Hocking Valley and Toledo was paralleled by the Ohio Central; and it has been Judge Burke's fortune to purchase and absorb two of these new lines, the 'Nickel Plate' and the Ohio Central. For many years he represented, as attorney, three-fourths of the stock of the Shenango and Allegheny Railroad Company and the Mercer Mining and Manufacturing Company, two large and important corporations in Pennsylvania. He was also a director in each and was offered a choice of all their offices. For two years or more he was a director of the Cincinnati, Hamilton and Dayton, of the Cincinnati, Hamilton and Indianapolis Railroad Company, which position he resigned in 1885. He has been for a number of years a member of the directorate of the Central Ontario Railway Company and is now its president. He holds a similar position in numerous mining and manufacturing companies."

Judge Burke is great in constructive ability; great in his versatility. He is remarkable alike for his vitality and the elasticity of his nature. He is generous in disposition, always ready to assist a worthy man or a worthy cause. He is always approachable and thoroughly democratic. His convictions are strong. He supports the Republican party, but has always been too busy to desire public office. He is both a scholar and a thinker, familiar with a wide range of literature and thoroughly informed on subjects with which he is concerned. He was married April 26, 1849, to Miss Parthenia Poppleton, of Richland county, who died in 1878. June 22, 1882, he was married to Mrs. Ella M. Southworth, of Clinton, New York. He believes in the sanctity of home and finds in the family relation the truest happiness.



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J. H. Emery.

JAMES H. DEMPSEY, Cleveland. J. H. Dempsey was born at Shelby, Ohio, on March 29, 1859. His father, who was a native of Ireland, and brought to America and to Ohio when a boy, for a number of years engaged in the wholesale grocery business. His mother was Martha C. Davis, a native of this State, whose father came here from Howard county, Maryland, shortly after the close of the war of 1812, in which he had taken an active part. When a mere boy young Dempsey's father selected the profession of law for him. His early education was in the district schools and the academy of his native town. At nineteen he entered Kenyon College, graduating in the class of 1882. He then entered the Law Department of Columbia College, New York, where he remained one year. Coming to Cleveland he entered the law office of Estep, Dickey & Squire, where he completed his law education and in 1886 became a member of the firm. He continued his membership of the firm until 1890, when he withdrew and the present partnership of Squire, Sanders & Dempsey was formed. Few men at the Bar of Cleveland have attained distinction so young. He is a man of force and ability. In politics he is a Republican; has never held office. In September, 1885, he married Emma N. Bourne, daughter of Mr. E. H. Bourne, cashier of the Union National Bank, and by this union there were three children, a daughter, deceased, and two sons. Mrs. Dempsey died on March 14, 1893.

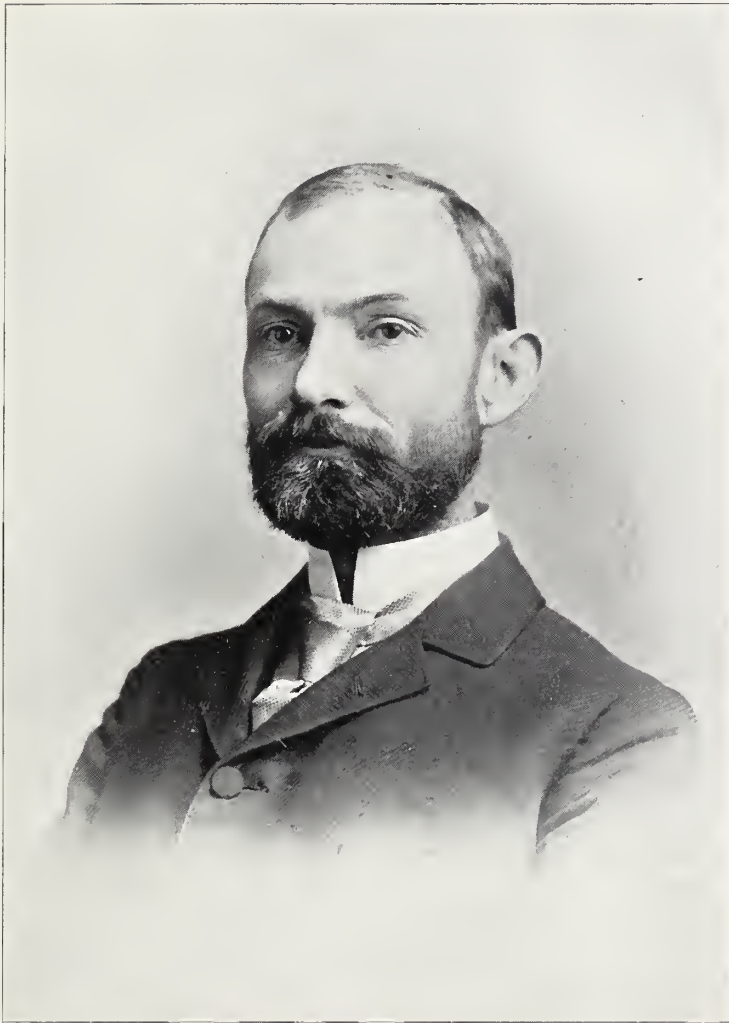
MORTIMER D. LEGGETT, Cleveland. It would be difficult to find a better example of what an earnest, honest, intelligent American boy can make of himself, working upon his own merits and grasping every opportunity, than the life and work of General Mortimer Leggett. Starting with practically nothing but a good physical constitution, a high moral sense, and a brain active and clear, he reached as high a place in the hearts of his fellow men in the communities in which he lived as one can attain outside of public office. Mortimer D. Leggett came directly from Quaker ancestry, both on the part of his father and his mother. He was the son of Isaac and Mary Strong Leggett, born April 19, 1821, at Ithaca, New York. His father was a farmer and young Mortimer led the life of the ordinary farmer's boy. In 1836 the family removed to Montville, Geauga county, Ohio, where he resided with his parents until eighteen years of age. Up to this time he had worked hard on the farm, developing a physique which enabled him to endure great trials in the army and many years of hard mental labor. He was naturally fond of study and most of his leisure time was devoted to his books. In these early efforts to get an education he was directed and assisted by his parents. In his boyhood days young Leggett was greatly helped by his elder sister, a woman of marked intelligence, high purposes and most unusual self-education. He never forgot his obligation to this older sister, whose advice and active loving help furnished for him the foundation for success in after years. At eighteen he entered the Teachers' Academy at Kirtland, where he completed the course of

study and was graduated at the head of his class. He at once devoted himself to teaching, although he had for some time determined upon the law as his profession. By teaching he acquired the means to support himself while studying for his profession. He was often heard to say later in life that no work was so helpful to a lawyer as that of teaching; it requires the greatest care in studying to express one's ideas clearly; it develops quickness in estimating the mental caliber of the person to whom one is speaking; it marvelously cultivates one's patience, which is invaluable to the lawyer, and he would add with a merry twinkle of the eye, "you quite often have to teach the court." General Leggett's work in the class room was most successful from the very beginning. He at once manifested his pre-eminent ability as an instructor. He assiduously studied law as he could get time between school hours and from school work, and was duly admitted to practice in 1844. He did not actively enter upon his profession until some six years after. He devoted himself meanwhile to raising a popular feeling among the people of the State in favor of free schools, stumping the State with Dr. A. D. Lord, Loren Andrews and M. F. Cowdry, for the establishing of common schools, paying his own expenses. General Leggett found time to study medicine, taking the regular course of study at the Willoughby Medical College, from which he took the degree of M. D. in 1846. His work with those who were interested in the school question resulted in what is known as the Akron school law, and in the fall of 1846 General Leggett went to Akron to live and organized the first system of graded schools west of the Allegheny mountains. He remained there two years until the graded system had been thoroughly tested and proven a success, when he removed to Warren and there arranged a similar system. His success at the Bar was rapid. His reputation as a man at once brought him a clientage, and the trial of a few cases manifested his capacity and shrewdness as a lawyer. For the times and the condition of Ohio he became prominent in his profession. Whatever might be General Leggett's work or especial trend of thought at any time, he at once became an instructor in that work. He had a gift for teaching, developed by a love of it, and in 1856 he was made professor of equity jurisprudence and of pleading and practice at the Ohio Law College. In 1857 he removed to Zanesville where his reputation had preceded him, and where his practice became more extended. Here he also had general supervision of the public schools, which his experience and advanced thought greatly improved in discipline and instruction. He was a personal friend of General George B. McClellan, who at the opening of the war was commissioned Major-General of Ohio volunteers, and was placed in command of the Department of the Ohio, which comprised the States of Ohio, Indiana, Illinois and the western portions of Pennsylvania and Virginia. He attached himself as a volunteer aid without pay to General McClellan, and accompanied him in his campaign in Western Virginia, where he was in several engagements. He was soon convinced the war could not be "a ninety-day affair," and returning to Zanesville was soon commissioned by Governor Dennison to raise and organize the

Seventy-Eighth Regiment Ohio Volunteer Infantry. "Mortimer D. Leggett" was the first name on the roll, volunteering as a private soldier. His patriotism and his enthusiastic devotion to the cause were contagious. Men rushed to place their names upon the roll of the regiment. His unceasing energy and tireless effort bore immediate fruit, for in the short period of forty days he had raised a regiment of 1,040 men. Meantime he had risen from a private to the rank of colonel, passing successively through the grades of second-lieutenant, first-lieutenant, captain, major and lieutenant-colonel. Colonel Leggett at once reported for duty with his regiment to General Grant at Fort Donelson, arriving in time to take an active part in the siege and capture of that stronghold. The discipline and conduct of himself and regiment attracted the attention and commendation of General Grant, which was the beginning of a personal intimacy between the two, lasting through life. Colonel Leggett was the youngest colonel in command of a regiment at Donelson, and in due appreciation of his services General Grant attached him to his personal staff. On the field of Shiloh he discharged his responsible duties with great courage; was wounded, but did not leave the field. He led the command at Corinth and had a horse killed under him. His bravery here was recognized by a brigadier general's commission. At Middlebury, Tennessee, with five hundred soldiers he defeated General Van Dorn with four thousand, through consummate strategic skill. For this he received honorable mention by General Grant, and a letter of thanks from Secretary Stanton. In all subsequent battles he was brave and deliberate. He took part in the siege of Vicksburg, was wounded at Iuka; commanded the expedition against Monroeville, Louisiana; was with Sherman in his raid to Meridian, and entered the Atlanta campaign as commander of the Seventeenth Corps, in the absence of General Blair. July 21, 1864, in pursuance of an order of General McPherson, General Leggett took a strongly fortified hill, after a desperate struggle, and captured a number of prisoners almost equal to the number of soldiers in his command. All through the following day, the memorable 22nd of July, he held this position against fearful odds and repeated terrific assaults. For this he was commissioned major general, on the recommendation of General Sherman. He marched with General Sherman to the sea; was in the final review. Throughout the war he secured the love and respectful obedience of subordinates, the confidence and esteem of superiors. After the final surrender he was mustered out of the service and returned to Zanesville, where he resumed the practice of law. He invariably declined to enter actively into politics and allow himself to be nominated for office, although never failing to take an earnest and active interest in political affairs. He accepted, at the hands of President Grant, the office of commissioner of patents, early in 1871. If his previous training had not prepared him for the office the versatility of intellect and quick adaptability to his surroundings enabled him to fill the position with great credit to himself and with equal credit to the patent office. He instituted the binding for general distribution of certified copies of the specifications and drawings of letters patent issued, the first volume of which

containing his certificate, bears date May 30, 1871. These volumes may now be found from that date to the present time in every public library in the United States. He practically founded the "Official Gazette of the United States Patent Office," a publication issued every week containing a list of patents issued with drawings and descriptions. In 1875 General Leggett resigned and removed to Cleveland, when he again entered upon the practice of law, making patent law a specialty and becoming one of the most prominent patent attorneys in the country. Later General Leggett became personally interested in many commercial enterprises of local interest and importance, the most prominent of which was the Brush Electric Company. In 1880, he became a member of the board of education of Cleveland, and later he was chosen a member of the board of managers of the Cleveland Public Library, in both of which he rendered valuable service. In 1888, he was appointed a member of the Cuyahoga Soldiers' and Sailors' Monument Association by Governor Foraker. The monument now standing in the public square of Cleveland speaks for those who worked for its production. The form and features of General Leggett are immortalized there in bronze. General Leggett died January 6, 1896, and this sketch is fittingly closed in a few words from the memorial address by his intimate friend and pastor: "His great heart reached out and took in the whole world. He loved his friends. Without demonstration and without pretense, there was in his manner a transparent affection for those with whom he was intimate. There was nothing narrow or limited about his religion. He was broad and progressive in that as in everything else."

SCOTT BONHAM, Cincinnati. One of the most capable of the younger members of the Bar and most energetic members of the Board of Legislation of the city is Mr. Scott Bonham. Mr. Bonham is a native Buckeye. His birthplace was Midway, Madison county, and his initial birthday January 25, 1858. His parents, William J. and Letitia Hays Bonham, were born in Ohio, the former in Highland and the latter in Fayette county. His mother is still living; his father died in 1895. They were descended from old Scotch-Irish stock. Mr. Bonham was educated in the village schools of Midway, in Bloomingburg Institute, and in the Ohio Wesleyan University, at Delaware. He was graduated from the university in the class of 1882, comprising fifty-four members, receiving the degree of A. B. When but fifteen years of age young Bonham began to help himself to an education by teaching school. At intervals in the four years, while engaged in fitting himself for college, and while in college, he taught the young idea how to shoot the way he was shooting. For one year after graduation he was principal of the schools at West Unity, Ohio. Then he entered upon a law course in the University of Virginia, and took his degree of LL.B. in the class of 1885 at the Cincinnati Law School, taking the full course. In college Mr. Bonham was the freshman class orator on Washington's birthday in 1878, and in the junior discussion in 1881



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Scott Bourne.

debated with S. M. Taylor, ex-secretary of the State of Ohio, the merits and demerits of Greek letter fraternities. He was a member of the editorial staff of the college paper, and was selected by the Cincinnati Law School in 1885 to represent his class in forensic debate. Admitted to the Bar by the Supreme Court May 26, 1885, he at once opened an office in the Esplanade Building, and later moved into a suite of rooms in Lincoln Inn Court, 519 Main street. In 1893 he was admitted to practice in the United States Court. He is a general practitioner in civil and commercial law, both in the State and Federal courts, and is the attorney for numerous building associations and other corporations. Mr. Bonham is a staunch Republican. He was a delegate to the Ohio Republican State Convention, from Williams county, in 1883, delegate to the Hamilton county Republican Convention in 1889, again to the Ohio State Convention in 1890, and again to the State Conventions in 1894, 1896 and 1897, besides taking an active part as a delegate in nearly all local Republican conventions, both city and county, that have been held in the last few years. As a Republican candidate he was elected a member of the Board of Legislation of Cincinnati for the short term under the new charter, April 6, 1891, was re-elected by an increased majority in 1892, and again in 1894, when his last increased majority was nearly doubled, and in 1897 was re-elected for another term of three years. His first majority was forty; second, one hundred and eighty-two; third, three hundred and fifty-four, and last one-hundred and eighteen. Thus it will be seen Mr. Bonham has been able to reverse the usual custom of cutting down the majorities of members of legislative bodies as they come up for approval. He is now serving as president of the Board of Legislation to which he was elected in April, 1897. He is a member of the Young Men's Blaine Club, of the Lincoln Club and the Butterworth Club. He was elected president of the Lincoln Club in 1897. From 1889 to 1891 he was president of the Glee Club of the Young Men's Blaine Club. He is somewhat fond of the military, and is sergeant of Troop B Cavalry, Ohio National Guard. He is also president of the Cincinnati Cavalry Club, organized in November, 1893, in the interests of Troop B, and for social purposes. He was a member of the Phi Delta Theta fraternity in college, and became a Mason in 1879. He has been master of La Fayette Lodge one term. He is a member of the Cincinnati Commandery, Knights Templar, and is a 32nd degree Scottish Rite Mason. He is also a member of the Second Presbyterian Church. Mr. Bonham is a bachelor, and occupies bachelor's quarters at 1039 Wesley Avenue. A Cincinnati judge furnished the following estimate: "Scott Bonham's honesty is well recognized and his professional word is taken and accepted by his brethren at the Bar. He is known as being painstaking, earnest and faithful on behalf of his clients. He enjoys a large clientage and a lucrative practice. He has been a useful public citizen; not even his adversaries question his integrity." A prominent member of the Bar says: "Scott Bonham is a good lawyer and a capable man in every way, and above all he is a modest, honest and conscientious man. As a lawyer he has been successful and has a great deal of business and a large clientage. He takes an

active interest in public affairs, and is now president of the Board of Legislation. In the matter of granting franchises he made quite a reputation for himself for the bold stand he took against the monopolies. In the Board of Legislation he was recognized as the champion of the people as against the effort of the corporations which were attempting to secure the monopoly of franchises—for electric lighting and other purposes. In his private relations he is very popular and well liked, and is blessed with one of the brightest and happiest dispositions of any man I ever knew.”

NELSON B. LUTES, Tiffin. Nelson B. Lutes was born March 1, 1848, in Wyoming county, Pennsylvania, the son of Stephen and Hannah Jayne Lutes. On his mother's side he is of Puritan descent, and traces his lineage back to William Jayne I, a Puritan preacher, who was born in Bristol, England, January 25, 1618; emigrated to New England, died March 24, 1714, and was buried in the old Puritan graveyard at Suffolk, Long Island. His father was a native of Pennsylvania, of Welsh and German extraction. His parents are both dead. Mr. Lutes was reared on the old homestead farm and received in boyhood such limited educational advantages as were afforded in the county district schools. At the age of sixteen, March 21, 1864, he enlisted in the army as a member of Company D, 188th Pennsylvania Volunteer Infantry, and served in the army of the James through the memorable campaign of 1864-5. He was honorably discharged June 21, 1865, on surgeon's certificate of disability, and was, indeed, almost a complete physical wreck. After returning from the Army he attended school about two years, and then spent one year in teaching; but his education, which is liberal and comprehensive, has been very largely self-acquired under private tutelage since he entered the profession of law. Mr. Lutes pursued his professional studies in the law office of W. P. & H. Noble, at Tiffin. It was there he first met his wife, who as Miss Nettie Cronise, was a fellow student in the same office. Mr. Lutes and Miss Cronise were admitted to the Bar in the same class in April, 1873, and were united in marriage at Tiffin, August 24, 1874. Upon his admission to the Bar Mr. Lutes was taken into partnership by his preceptors, and the firm name was changed to Noble Brothers & Lutes. He was thus enabled immediately to acquire one of the largest practices in the county. After an existence of one year this firm was dissolved by the withdrawal of Honorable W. P. Noble, and a partnership was formed by and between Judge Harrison Noble and Mr. Lutes, under the firm name of Noble & Lutes. This firm continued with a large and increasing practice until 1880, when by reason of his infirmity of hearing it became necessary for Mr. Lutes to have the assistance of his wife in the trial of his cases. The partnership with Judge Noble was thereupon dissolved, and since that time the practice has been continued by the husband and wife under the firm name of Lutes & Lutes. In consequence of sickness and exposure in the army, resulting in chronic catarrhal



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Nelson B. Lutes



inflammation of the eustachian tube and middle ear, Mr. Lutes has entirely lost the sense of hearing. The progress of the disease was slow and the loss of hearing gradual. As early as 1870 it was first noticed by him, but the deafness did not become total until 1881. Owing to the peculiar qualifications of his wife and the wonderful facility with which she keeps him informed during the progress of a trial, the infirmity does not materially interfere with the success of his law practice. All of his remaining senses are more acute in consequence of the loss of one. His ability as a lawyer is unquestioned by any lawyer who has opposed him in the trial of a cause. He is a profound student, careful in the preparation of pleadings, strong in argument before court or jury, and altogether very successful in practice. He is a member of the Ohio State Bar Association, the G. A. R., and the Junior O. U. A. M., and of no other society whatever. He has never held public office. Mr. and Mrs. Lutes have three children: Elinor Seney, born June 4, 1875, Evelyn Latta, born June 27, 1877; Lillian Cronise, born August 8, 1882. Honorable Warren P. Noble adds a brief characterization:

"I have known Nelson B. Lutes from the time he commenced the study of his profession as intimately as any member of the Bar. I can say of him that as a man he is possessed of a good mind and a splendid physical make-up in almost every particular. He is above the ordinary size, straight, tall and erect, with an easy and dignified carriage, and finely chiseled features. He is a man to attract attention in any company. As a lawyer he is one of the most able, careful, painstaking and zealous of the profession in this part of the State. Whilst it seems as though he came to his conclusions naturally, without effort, and correctly, yet he never fails to know from a most thorough examination of the books just what has been held and decided by the higher courts upon the questions he has under consideration, nor does he fail to find out the teachings of the elementary writers upon the same subjects, and in these researches his industry and energy are untiring. In his intercourse with his fellow members of the Bar he is always kind, courteous and generous. No person ever calls in question his integrity. If in the heat of debate he is ever led to say or do anything that even seems to be unkind toward a fellow lawyer, no one can be more ready and willing to at once ungrudgingly ask pardon and make the best possible amends. I say, in short, that Mr. Lutes may be set down as one of the best lawyers to be found in this part of the State."

NETTIE C. LUTES, Tiffin. Mrs. Nettie (Cronise) Lutes is "to the manner born." She is a daughter of one of the first families of Tiffin. Her grandfather, Honorable Henry Cronise, was a Virginian, a gentleman of the old school, and a man of great prominence and influence, who fills a large and honorable place in the history of the city and county. He was one of the leading merchants of the city for many years, and by his influence and public-spiritedness did much toward the building up and advancement of the city. He was a Democrat in politics, and very influential in his party councils, and served one term in the Ohio Senate, being elected to that body in 1846. Mrs. Lutes is one of the most thoroughly educated women of the State, and was the

first woman admitted to the Ohio Bar. She was educated in the public schools of the city, and at Heidelberg College; and also took a special course in the State Normal School at Bloomington, Illinois, where she received that special training in phonics which has been of such incalculable value to her in communicating with her husband by means of visible speech. She read law in the office of W. P. & H. Noble, at Tiffin, and was admitted to the Bar in April, 1873, on the recommendation of a committee composed of George E. Seney, John McCauley, R. G. Pennington, W. H. Gibson and Nelson L. Brewer, who, with her preceptors, were the leaders of the Bar at that time. This was before the law was passed by the State Legislature authorizing the admission of women to the Bar, and after Mrs. Bradwell had been refused admission in Illinois, and the question was naturally raised as to her right to be admitted, with the majority of the court inclined to the opinion that women were not eligible for admission to the Bar in the State. Judge Seney and other eminent lawyers offered their services to present her case to the court, which she declined, and taking charge of her own case, by the force of her own character and learning, she succeeded in convincing the court of her right to be admitted, thus opening the door for admission of women to the Bar of this State. Her admission to the Bar was taken favorably. Her sister, Miss Florence Cronise, was admitted in the following year, and both of them were admitted to practice in the United States Courts, in the Sixth Circuit, at Toledo, in 1879. As the pioneer woman lawyer of this State, Mrs. Lutes, then Miss Nettie Cronise, opened her office at Tiffin, and entered upon the practice of her chosen profession immediately upon her admission to the Bar, and has ever since been actively engaged in the practice in her native city, with remarkable success. For the last seventeen years she has practiced with her husband, Nelson B. Lutes, under the firm name of Lutes & Lutes. Mrs. Lutes possesses the qualifications necessary for the success in the profession of the law in a marked degree. Her knowledge of the law is profound and her judgment good. She is broad-minded and liberal in her views, clear, analytical, exact and logical in her mental make-up; she has the faculty of examining a question in all of its bearings, the power lacking in so many; of looking on both sides of a question, with a perception so quick that nothing seems to escape her notice during the progress of a trial. She is a great student and an indefatigable worker; has undaunted courage and great staying powers, with an abiding faith that the right must prevail, and she never advocates a proposition that she does not believe is right. She has good business tact and extraordinary executive ability, with the power to lead others to her way of thinking, and is so good a reader of human nature that she seems intuitively to read a person's thoughts and divine his motive of action. Mrs. Lutes also possesses the most perfect self-control, and never loses her head or becomes confused during the most exciting contest, and with her perfect mastery of language, her knowledge of the power of words, her repartee and sarcasm, though always refined and often classical, is as cutting as a two-edged sword; and with it she possesses

the power of lashing her opponent to fury and exasperation, while she remains apparently as cool and undisturbed as a disinterested spectator. She rarely, if ever, uses this power, however, except in self-defense. One dose of it is usually sufficient, and the recipient seldom returns to the second attack. Much of her courage and power is founded in her absolute fidelity to honor and truth. She puts truth and right above all other considerations and would scorn to take an unfair advantage. This is recognized and acknowledged by all, and of itself begets confidence in any proposition maintained by her. Though herself a fine and effective speaker, thoroughly trained in the art of oratory, by reason of her determination that her husband should not be shorn of his power and strength as a lawyer because of his deafness, her voice is seldom heard in argument either to the court or jury. Though taking a leading part, and largely managing the conduct of all of the cases tried by the firm, few persons understand or appreciate the masterful power exerted by Mrs. Lutes in the trial of a case; for to the unthinking spectator it looks as though Mr. Lutes were taking the leading part, while the fact is, that by reason of his deafness, their professional labors are so intermingled and closely connected that there is no leadership about it, and, as has often been remarked, it is almost impossible to consider them separately, as the two work together almost as one person. Their manner of conducting a trial is so peculiar that it is hard to describe, and has little similarity to the professional labors of other attorneys in the trial of a case. That it results in a most masterful handling of all cases tried by the firm is recognized and acknowledged by all competent persons who ever saw them conduct a trial, and it is probable that by reason of the peculiar position occupied by Mrs. Lutes, she receives much less, and Mr. Lutes much more, of the credit than they are respectively entitled to. It may be said that necessity and practice have developed what might well be called a sixth sense in both of them—in Mrs. Lutes the power to receive and convey, to listen and talk at the same time, and in Mr. Lutes the power to hear with his eyes quicker and more accurately than the most sensitive ear, as much quicker as light travels faster than sound. Their important cases are thoroughly prepared together, each having taken part in making the brief and examining the witnesses out of court. They come into court both of one mind, with their case thoroughly prepared. They know what they have to present; have settled upon the manner of its presentation and have anticipated as far as possible, and prepared to meet the case made by the other side. If a jury case, the panel has been carefully examined, and if the jurors are unknown their character, antecedents and characteristics have been looked up as far as possible, and the jurors are carefully examined on their *voir dire*. Mr. Lutes makes the opening statement of the case to the court and jury; examines and cross-examines the witnesses as they are produced, interposes objections to evidence, and argues questions of law to the court as to the admission and rejection of evidence, as they occur during the trial. How is this possible when it is known that he is stone deaf, and what has Mrs. Lutes

been doing all this time? A person looking on, who did not know that Mr. Lutes was deaf, would not readily discover that fact, or clearly understand the part taken by Mrs. Lutes, as shown by an incident which occurred in the trial of a case not long since in the Circuit Court of Clermont county, in the southern part of the State, where Mr. and Mrs. Lutes were strangers. An old gentleman, an habitue of the court room, was sitting in the audience room looking on at the trial. At the noon recess he came forward and quite indignantly inquired of a member of the local Bar with whom he was acquainted, why the court allowed that woman to sit in front of that lawyer and talk to him and thus interrupt him during the whole time he was trying the case. Mrs. Lutes sits facing Mr. Lutes, and if a jury trial, also facing the jury, and repeats, by the motion of the organs of speech, without the least sound or whisper, every word that is spoken by the witnesses, judge and opposing counsel, on the instant the words leave the mouth of the speaker, so that Mr. Lutes gets it all as quickly as any other person in the room. This is not all she has been doing. As the case progresses she takes notes of all new points brought out in the evidence, and finds time to communicate her views thereon to Mr. Lutes. Her eye is constantly on the jury and opposing counsel, and her quick perception and knowledge of human nature are brought into active play. New points are anticipated and conveyed to Mr. Lutes to be guarded against. The effect the evidence is producing on the minds of the different jurors is carefully noted, and also conveyed to Mr. Lutes. She also draws and answers all the cross-fire, side remarks and repartee of opposing counsel, thus leaving Mr. Lutes wholly undisturbed and without the fear of surprise, to present the case as prepared, and combat the case made by the other side. Thus her part in the trial of the case might be likened to the signal corps, cavalry branch, sharpshooters and skirmish line of an army in the field, and she is to Mr. Lutes in the trial of a case what Sheridan was to Grant in the capture of Lee's army. When it comes to the argument of the case, she in like manner repeats to Mr. Lutes every word of the argument of opposing counsel to be answered, and suggests to him the answer to the points made which occur to her. Neither of them takes any notes of the evidence during the trial, and necessity and practice have developed still another remarkable faculty in Mr. Lutes, that is, to take his notes by mental process, and the power to retain in his memory all of the important and material evidence, so that he can repeat much of it word for word in the argument of the case. As the evidence is given he carefully notes its materiality and importance and arranges it in his mind in the order in which he desires to present it in support of his argument, and there it remains, under proper classification, and in clear and logical order, indelibly impressed upon his mind until he wants to use it in his argument, and he has no fragmentary and imperfectly taken notes to be hunted up, arranged, overlooked or forgotten, when he comes to argue the case. If lawyers generally understood the advantage to be gained by learning to take their notes by the mental process, few notes would ever be taken with pencil, but it is impossible for any man to retain his



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Charles Theodore Greve

notes in his mind so long as he allows himself to depend upon his written notes. That the faculty can be acquired is clearly shown in the case of Mr. Lutes, for while he never takes any notes it is generally recognized that he has a superior and especially accurate command of the evidence in argument. As the result of their joint labors, they have the reputation of being very successful lawyers and of never losing a case which they ought to win, and in consequence their practice is comparatively large, and their retainers are largely in the most important cases, not only in their own county but to a considerable extent in other courts of the State, and occasionally in the United States courts and the courts of adjoining States. So engrossed is Mrs. Lutes in her life's work and her studies and reading that she gives but little of her time to social functions, though by right of birth, as well as by her personal accomplishments, she occupies the highest social rank in the city. She is an exceptionally fine conversationalist, and a very entertaining and lovable companion, an ideal wife and most devoted mother. She has three beautiful daughters, of whose reputation for unusual brightness and intelligence she is especially proud. Her husband, for whom she has done so much, very naturally idolizes her, and in their life, these two lawyers seem to have realized the inspired lines of the poet :

“ For woman is not undeveloped man,
But diverse. Could we make her as the man,
Sweet love were slain, whose dearest bond is this —
Not like to like, but like with difference.
Yet in the long years liker must they grow ;
The man be more of woman, she of man .
He gain in sweetness and in moral height,
Nor lose the wrestling thews that throw the world —
She, mental breadth, nor fail in childward care :
More of the double-natured poet each ;
Till at last she set herself to man
As perfect music unto noble words.
And so these twain upon the skirts of Time,
Sit side by side, full summed in all their powers,
Self-reverent each, and reverencing each ;
Distinct in individualities,
But like each other even as those who love.”

CHARLES T. GREVE, Cincinnati. Charles Theodore Greve, born at Cincinnati, January 3, 1863, is of German-English extraction. His father, Dr. Theodore L. A. Greve, is a native of Germany, who came to the United States in 1849, and settled first in Illinois, removing thence to Cincinnati a few years later, where he engaged in the drug business. Dr. Greve is a German university man, and is descended from a long line of teachers. He is also a successful man of business, in which he has become prominent. He has occupied the same building with his store for the last forty years. Charles T. Greve's

mother was, before marriage, Clara Emrie, a daughter of the Honorable Jonas R. Emrie, of Ohio. She is of English lineage, and her forefathers settled in Massachusetts, at Newbury, in 1636. Several of her ancestors fought in the great historic swamp fight of 1675. At an early age Charles became a pupil in the Hillsborough high school, from which he was graduated in 1878. In the fall of 1880 he entered Harvard University, from which he was graduated in 1884, receiving the degree of Bachelor of Arts. Immediately thereafter he entered the Cincinnati Law School, from which he received his degree of Bachelor of Laws in 1885. He at once entered upon the practice of law, and shortly afterwards formed a partnership with C. Bentley Matthews, in whose office he had studied, and S. H. Holding, now of Cleveland, under the firm name and style of Matthews, Golding & Greve. Later Mr. Holding withdrew from the firm, leaving it Matthews & Greve. Subsequently the partnership was dissolved, and Mr. Greve practiced alone until 1894, when he was appointed assistant United States attorney for the southern district of Ohio. In 1892 he was nominated by the Democrats of the second district as their candidate for Congress, and made a highly creditable canvass; but the majority was against his party. His record in the important office of assistant district attorney has been entirely honorable and eminently praiseworthy. He is alert, cautious and systematic in the trial of a case, watching every step in order to keep the record free from error and irrelevant matter. As an advocate, whether in a civil case or as a public prosecutor on behalf of the United States, his style is perspicuous and argumentative rather than rhetorical; although any address which he delivers, either in court or on the hustings, is not deficient in rhetorical finish or impressiveness in manner of delivery. Mr. Greve was for years a regular contributor to the daily press of Cincinnati. He was literary editor of the *Tribune* during the separate existence of that paper. For thirteen years he has been an officer and is now the president of the Cincinnati Literary Club, the oldest club of its kind in the country. He is also president of the U. C. D., a literary club including ladies in its membership, now in its thirty-third year. He is a member of the Ohio Chapter of Colonial Wars and the Society of the War of 1812. He was married October 23, 1895, to Miss Laura Belle, daughter of Major E. V. Cherry, of Cincinnati.

WILLIAM H. MACKOY, Cincinnati. The subject of this sketch is a son of the State of Kentucky; he is a lineal descendant of Scotch ancestry, easily tracing his antecedents back to his father's great-grandfather, James Mackoy, who left Scotland and settled in King William county, Virginia, prior to the year 1718. John Mackoy, grandfather of William H. Mackoy, removed from Virginia to Kentucky early in the present century and purchased a farm in the fertile valley of the Ohio, ten miles distant from the town of Greenup. On this farm was born John Mackoy, Jr., father of our present subject, who when quite a lad bid farewell to the "old farm" and took up his residence in

Covington, Kentucky, where he lived until his death, covering a period of more than fifty years. He was one of the first elders of the First Presbyterian Church of Covington, and took a prominent part in everything that pertained to the moral and material development of his fellow citizens. The mother of William H. Mackoy was Elizabeth, daughter of William Hardia, of Fredericksburg, Virginia. William H. Mackoy was graduated a Master of Arts of the University of Virginia; subsequently studied law; was admitted to the Bar in May, 1865, and began its practice in 1866, since which time he has devoted his entire time to his profession, having his office in Cincinnati, and practicing in the courts of both Ohio and Kentucky. In the summer of 1890 he was elected a delegate to the Kentucky constitutional convention from the Second Legislative District of Covington. As a member of that body he served upon the important committees on corporations and municipalities, and drafted the articles of the Constitution relating to those subjects. At the adjourned session of the convention in September, 1891, he was a member of its committee on revision, and rendered important and valuable services in making corrections in the draft of that instrument which were necessary to make it consistent in all its parts and as a whole. Mr. Mackoy was married to Margaret Chambers Brent, a daughter of Hugh Innes Brent and Margaret, his wife, of Paris, Kentucky. He is the father of two sons, Lewis and Harry, and of one daughter, Elizabeth.

VERNON H. BURKE, Cleveland. Mr. Burke was born at Saybrooke, Ashtabula county, Ohio, December 22, 1866. His father, John F. Burke, was a native of Dublin, Ireland, who came to this country at the age of fourteen and settled in Ashtabula county. His mother was Minerva A. Stewart, a daughter of A. M. Stewart, of New York State, and a relative of A. T. Stewart, the merchant prince. Young Burke was first sent to the district schools, later went to Buffalo, New York, and entered Bryant & Stratton's business College, graduating therefrom at the early age of fourteen. Returning home he took up the study of telegraphy and became an operator. At the age of fifteen he entered the University of Notre Dame at South Bend, Indiana, and in 1886 took from this institution not only his degree of Bachelor of Arts, but also that of Bachelor of Laws. He was at once admitted to the Bar in Indiana. Returning to Ohio, was again admitted to practice in the State courts. He then came to Cleveland and entered the office of Everett, Dellenbaugh & Weed. After remaining with this firm for a year and a half he formed his first partnership with Captain M. B. Garry, under the firm name of Garry & Burke. Withdrawing from this partnership after a year, he practiced alone until 1892, when he again formed a partnership, this time with H. B. Gregory; but in 1893 he withdrew from the firm and has since continued in practice alone. Mr. Burke, though quite a young man, enjoys a large and lucrative practice of a general nature. He has always been an active worker in the

Republican party. In 1897, he was nominated by his party as candidate for State Senator, and in November was elected after a very exciting campaign and close contest in the State. The senatorship is the first elective office he ever filled. He was never a candidate for any other. He has made many speeches, and in the last campaign was on the stump for McKinley from the beginning to the close of the fight. He is a member and vice-president of the executive committee of the Republican committee of his county, commonly known as the committee of fifteen. He is also a member of the Republican committee of the Ohio State Republican League. Mr. Burke is a great student, not only of law, but general literature, and possesses far more than average ability. A man of strict integrity and high moral character, he no doubt will take high rank both in his profession and politics before he is much older. In 1893 he married Tillie H. Hahn, of Cleveland, and has one son.

JOHN D. SEARS, Upper Sandusky. Among the reputable members of the Ohio Bar may be placed the name of John Dudley Sears. For knowledge of the law, legal acumen, and a clear, almost unerring research, he is certainly entitled to the high regard in which he is held. Our subject was born on a hill farm in Meredith, Delaware county, New York, the 2d day of February, 1821, the eldest son of Elkanah and Desiar (Phelps) Sears and a descendant in the eighth generation of Richard Sears, who lived at Plymouth, Massachusetts, in 1633, afterwards removing and settling at Yarmouth, on Cape Cod, where many of his descendants are still to be found. The boyhood of our subject, until his fourteenth year, was spent on a farm, where he bore his share of its labors. He attended the district school and became quite proficient in the three most useful branches, which formed the basis of the more thorough education he afterwards acquired. In 1832, for three months, he attended a private school at Meredith Center, taught by Mr. Brainard, a young Yale graduate, whom Judge Law, a man of note and prominence in that place, had engaged as tutor for his own sons. In this instruction young Sears and a Miss Fisher, daughter of a Presbyterian clergyman, were allowed to share. The study of Latin, begun then, was resumed in an academy at Delhi the following year and continued through another term of three months. The home at Meredith having been sold, the family migrated to Ohio in the spring of 1836, travelling in a three-horse wagon through central and western New York; thence along the lake shore to Cleveland; thence to Columbia, in Lorain county, Ohio, where two sisters of his mother resided on farms. There a cabin was rented and some little farming was done. Young Sears worked several weeks that summer at grubbing and clearing swamp land, for which he received fifty cents per day and his dinner. In the fall he was sent for a three-months' term to an academy at Strongsville, where rudiments of the Latin grammar were again taken up. In January, 1837, the family moved to Crawford county, and the first of February found them settled on a newly pur-



J. W. D. Evans

chased farm, two miles west of Bucyrus. This town then had a village library containing a few books and John, having induced his father to buy a share, sold at an administrator's sale, in a few months read the works of Sir Walter Scott, Life of Franklin, Russell's History of Europe, Plutarch's Lives, Miss Edgeworth's novels, and others of less importance. This feast of the mind was supplemented by chopping, logging and other hard work incident to clearing a wilderness. In June, 1838, having obtained from the commissioners of Crawford county a certificate entitling him to free tuition at the Ohio University, he started for Athens, where he arrived on the 3d day of July, remaining until commencement in 1841, going through the regular course as far as the senior year, when, appropriations for educational purposes becoming exhausted, with some debts incurred, his school life came to an end. In the summer of 1842 he was employed to teach an "academy" in McConnellsville, Ohio, at a salary of four hundred dollars per year. In 1843 he returned to Bucyrus, and in the fall of that year taught a select school for three months, devoting his leisure to reading law under instruction of Josiah Scott (afterwards chief justice of the Supreme Court of Ohio). Mr. Sears was admitted to the Bar June 29, 1844, and on the 15th of July following formed a partnership with his preceptor in the practice of law, under the name of Scott & Sears, which continued for two years. On the 3d day of March, 1845, he removed to Upper Sandusky, county seat of the new county of Wyandot, where he has resided ever since. Mr. Sears was but twenty-four years of age at that time, yet he took a leading position at once, the years rapidly developing his strength and winning the reputation he so richly deserved. He soon acquired a lucrative practice that reached beyond the county limits; and now, at the Psalmist's full measure of life, retiring from a profession he so dearly loved and so ably sustained, and ever retaining the esteem and affection of neighbors and friends, he can gracefully rest, with the comforts of an ample competence and the reflection of a useful, successful life. March 5, 1847, he was married to Frances E. Manly, and together they have celebrated the golden anniversary of their united lives. A daughter was the result of this marriage, wife of the late Pliny Watson, of Toledo, who now resides at Pasadena, California. Mr. Sears has kept out of politics, as far as he has been able to do so, yet has held positions of public trust to his honor and the best interests of the people he served. He was elected mayor of Upper Sandusky in 1854, and again in 1856; was a candidate for judge of the Court of Common Pleas in 1861, and received a handsome majority in his own county. In 1873 he was elected a delegate to the constitutional convention, practically without opposition. In that body were a number of men of national reputation—Chief Justice Waite, ex-Governor Hoadly, Rufus King, Lewis D. Campbell and others, and Mr. Sears served prominently in the deliberations of the convention. It is, however, as a member of the Ohio Bar that Mr. Sears has gained his greatest distinction. During his long and active practice he was very generally retained in all civil and criminal cases of importance. In *Shaffer vs. McKee* (19th O. S. 526), the Supreme Court, at his instance, reversed the judgment of the District

Court, and, without preparing an opinion, directed Mr. Sears's argument for the plaintiff to be reported in full as the opinion of the court—an unusual compliment. He was solicitor of the Ohio and Indiana Railway Company until its consolidation, and for some years afterwards attended to the law business of the Pittsburg, Fort Wayne and Chicago Railway on a portion of its line. Among his latest professional successes, not the least important is the decision in *Blue vs. Wentz* (54 O. S., 247), which puts an end to the construction of the ditch law, under which thousands of dollars have wrongfully been taken from parties not benefited, to pay for ditching their neighbors' swamps. His, truly, has been a busy, active life, almost solely devoted to his profession as a member of the Ohio Bar, garnering its results and achievements with remarkable success; yet he has always been a close reader of history, the literature of the past and present, and there is scarcely a subject of importance on which he is not well and notably informed.

WILLIAM S. ANDERSON, Youngstown. William Shaw Anderson was born on December 31st, 1848, at North Jackson, Mahoning county, Ohio. He is of Irish descent. His father, when a boy of fifteen years of age, emigrated from County Kerry, Ireland, to Pennsylvania, and afterwards to Mahoning county, Ohio. Here he became a merchant and farmer. His son, William Shaw, was born on the farm, and spent most of his youth in the performance of the duties devolving upon him at home, and in acquiring an education. He attended the public schools, worked on the farm, and devoted himself to his studies. He had, at an early day, resolved to enter the legal profession, and with great determination he availed himself of every means to secure the necessary qualifications. He supplemented his earlier studies by reading law in the office of Hutchins & Glidden, of Warren, and was admitted to the Bar on April 7th, 1870. He at once commenced practice alone in Canfield, which at that time was the seat of Mahoning county. In 1872, he formed a partnership with Mr. Gilson, under the firm name of Gilson & Anderson, which continued until the death of the senior partner. Then, in 1877, he entered into partnership with Mr. King, under the style of Anderson & King, which was dissolved upon the junior member being elected probate judge of Mahoning county. At this time he associated himself with A. J. Woolf, the firm being Anderson & Woolf. After some years this was dissolved by mutual consent, and Mr. Anderson entered into a partnership arrangement with Lieutenant-Governor A. W. Jones, which still continues, constituting to-day what is probably one of the strongest law firms in the State of Ohio. Mr. Anderson, as an advocate, has few equals at the Bar. He is not only a brilliant speaker, but he possesses in a remarkable degree all the fine characteristics and elements that make a great trial lawyer. He is a close observer, a reader of human nature and a keen judge of character. One of his many strong points is the selection of a jury, in which he displays a knowledge of men and



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character that is little less than marvelous. Indeed, it has often been said of him that "he appears to possess an intuitive perception of the qualifications of each man under examination." It is the same in the examination or cross-examination of witnesses. He never makes a mistake, but brings out just the testimony that he wants and passes over the rest. He is particularly happy in stopping exactly at the right time. He possesses a keen power of analysis, a logical mind and a determined will. In his earliest days at the Bar he became engaged in criminal cases. Before reaching twenty-three years of age he was called upon to defend a man charged with murder, and acquitted himself in a manner that drew upon him the attention of the legal fraternity in all the surrounding counties. As a direct consequence of the great ability he displayed in handling this class of cases in court, criminal business was forced upon him, and before he was scarcely aware of it he had achieved a reputation as a great trial lawyer. In spite of such success his preference is civil cases, and of those his practice is largely composed. There is, however, in criminal cases, a greater scope for the exhibition of personal power, which appeals strongly to the public, and in one who has shown remarkable ability in this line the less conspicuous qualities displayed in civil cases are liable to be overshadowed. As a speaker, Mr. Anderson holds the closest attention of the audience. He moves the hearts of a jury by his earnestness, and enthralls their intellect and imagination by his brilliancy and eloquence. His reputation as a trial lawyer is not confined to the State of Ohio, but he has been called into a dozen cases of more than local celebrity in Pennsylvania. One of these the "Homestead riots," was of national importance, and in this he was called upon to defend two of the men over whom those serious charges were impending, and for whom he succeeded in securing a verdict of "not guilty." There was an unusual array of legal talent engaged upon these cases—comprising Tom Marshall, of Pittsburgh; Major Montooth, of Pittsburg; Colonel W. C. Irving, of Minnesota, and others, whilst the owners of the "Homestead Works," backed by the county authorities and the State of Pennsylvania, spared no effort and no expense to secure a conviction. In politics Mr. Anderson is a Republican, strongly imbued with the principles of that party. He has, however, never permitted his name to be used in connection with any political office. He loves his profession, and devotes himself assiduously to his law practice. On November 4th, 1868, he was married with Miss Louisa M. Shields. They have four children—Blanche, William Noble, Randall and Annie. The elder son, William Noble Anderson, is now studying law in his father's office.

AARON F. PERRY, Cincinnati. Honorable Aaron F. Perry was born January 1st, 1815, at Leicester, Vermont. He received his early education in the common schools, after which he studied law for awhile. In 1837 he entered Yale Law School, and after one year's study was admitted to the Bar. He then made his residence in Columbus, Ohio, where he practiced law for a

number of years. At different times in Columbus his partners were Governor William Dennison and Colonel H. B. Carrington. In 1854 Mr. Perry removed to Cincinnati and entered into a partnership with Alphonso Taft and Judge Thomas M. Key, under the firm name of Taft, Key & Perry. This partnership was dissolved in 1861, when the old age of Judge Key made it necessary. Mr. Perry subsequently entered into a partnership with his son-in-law, Herbert Jenney. Mr. Perry was a delegate to the Baltimore Convention in 1864 that nominated President Lincoln for a second term. He was nominated and elected by the Republicans as a member of Congress for the First Ohio District. He remained in Congress but a short time, but became very prominent in the deliberations of that body both by his earnest work and his speeches. His speech on Civil Service Reform attracted much attention, being one of the earliest on that subject that had been made in Congress. He resigned before the end of his term and declined a re-election. In 1876 Mr. Perry headed the Hayes electoral ticket, and made speeches throughout the State in favor of that ticket. During the war, Mr. Perry supported with such vigor the Northern cause that his services were at one time mentioned by Governor Dennison in an annual message, and one of the defensive works thrown up near Cincinnati at the time of the threatened siege of that city was named in his honor. Mr. Perry stood among the foremost lawyers ever contributed by Ohio to the Bar. His prominence and ability at the local Bar became so well known that in 1877 the President appointed him senior counsel on behalf of the United States in its suit against the Union Pacific Railroad and the Credit Mobilier, one of the most important cases ever tried in the United States. He was also counsel in the great railroad case involving the Erie railroad in 1881, and also in the case of Vallandigham against General Burnside involving the validity of the arrest of citizens by the military in time of war, Mr. Perry being retained by the Government to assist the United States attorney. His great ability as a lawyer overshadowed success in other directions, but he was very successful as a writer and as an occasional orator. He received from Marietta College and the Western Reserve University the degree of LL. D. in recognition of his accomplishments in literature. He married in 1843 Elizabeth, the daughter of Micajah J. Williams. His children are Mary, the wife of Herbert Jenney, of the Cincinnati Bar, Elizabeth the wife of Dr. Herman J. Groesbeck, Edith Strong, the wife of Dr. Fred Forchheimer, and Nelson Williams Perry. January 1st, 1891, Mr. Perry retired from the practice of the law. This was made the occasion of a banquet tendered him by the Bar of the locality, at which time there assembled the most distinguished members of the profession, who testified to their appreciation of Mr. Perry's long service, and their regret that he was to leave their midst. He died March 11th, 1893.



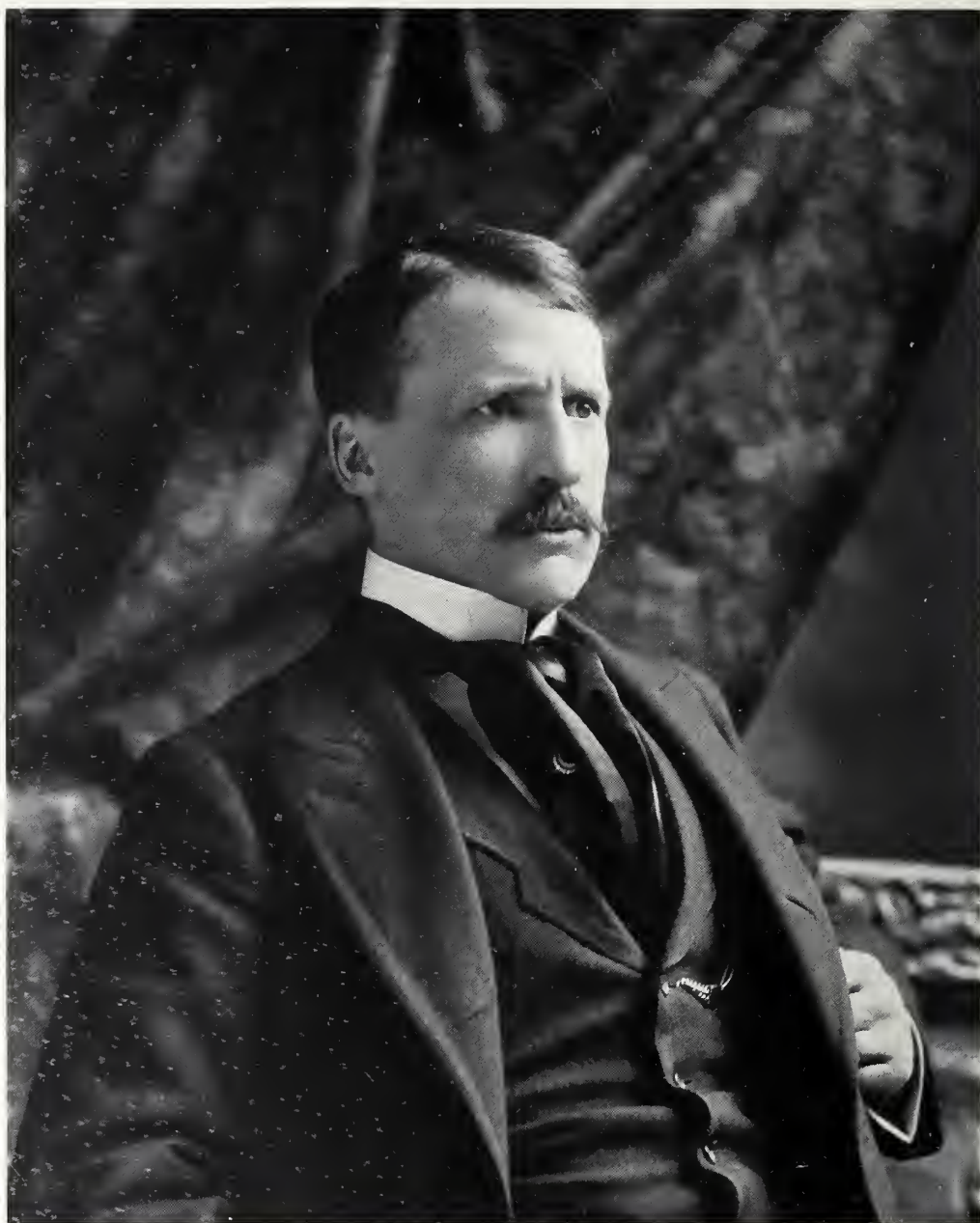
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John W. Swanwick

JOHN McSWEENEY, Wooster. The late John McSweeney was long recognized as one of the greatest criminal lawyers who ever practiced at the Bar of Ohio. He was of Irish descent, his parents having both been born in Ireland. He was born at Black Rock, near Rochester, New York, August 30, 1824, and was brought as an infant by his parents to Stark county, Ohio. They were in very moderate circumstances, having learned in the school of poverty to appreciate the modest comforts of life which their own labor secured. His father was a shoemaker, honest, industrious, intelligent; he was also a large man, physically, of commanding mien and impressive personality. Both parents died while their son John was in his early childhood and he was left to the care of a guardian appointed by law. This guardian, John Harris, a lawyer, of Canton, appreciated his responsibility, took an interest in his ward and placed him in the care of Mrs. Grimes, of Canton, a pious and estimable woman, member of the Catholic Church, who reared him. The small sum of money left by his father was honestly and judiciously applied by his guardian to the best possible advantage in his support and training. Young McSweeney's education was procured at the Western Reserve College and in Cincinnati. His scholarship was not only liberal and broad, but he was especially proficient in the Latin classics. He took up the study of law with his guardian, John Harris, of Canton, and removed thence to Wooster in 1845. He there entered the office of Judge Ezra Dean, who was at the time one of the leading lawyers of Wayne county. At different periods subsequently he engaged in practice in partnership with Olin F. Jones, Judge William Given, Honorable George Bliss, and Honorable C. C. Parsons, Sr. So great was his aptitude for the law, so broad and deep his learning, that he rose almost immediately to the first rank of lawyers at the Wayne county Bar. This position he retained almost without a rival to the end of his life. In his practice Mr. McSweeney was brought into contact and competition with Judges Dean, Avery, Given and Cox; Honorable John P. Jeffries, Honorable Lyman Critchfield, Samuel Hemphill; Judges Rufus P. Ranney and Rufus P. Spalding; Honorable Thomas Bartley, Honorable Thomas Corwin, Honorable D. K. Carter, and Senator John Sherman. At the end of twenty years of practice the reputation of Mr. McSweeney, both as a civil and criminal lawyer, had not only become firmly established in Wayne county, but had extended to neighboring counties; and still later it spread throughout the State and became national. He was retained in nearly all of the important criminal cases tried in northern Ohio, and generally by the defense. His influence with a jury was great: his stature, massive, yet graceful proportions, and his resonant, powerful voice fitted him physically for most effective oratory. His earnestness of manner, his masterful use of a choice and extensive vocabulary, his pathos in appeal, his terrific invective, his pleasing humor, his sparkling wit, his keen repartee, his fairness toward an opponent, his lively and opulent imagination, his magnetic manner, his sound reasoning and his luxuriant discourse, all combined to give his almost matchless influence in a jury trial. Nor was his power confined to his argument before the jury. He was watchful and careful during the

trial to keep out of the record anything which might be detrimental to his cause, and equally careful to avail himself of every expedient known to the law, and every rule or decision that could benefit his cause. He was a close and keen examiner of witnesses, possessing not only fine discriminating quality of mind as to what was relevant or irrelevant, but also as to the extent to which the examination should be pursued in any direction. He knew when to stop. Mr. McSweeney was engaged with Colonel Robert G. Ingersoll for the defense of Stephen W. Dorsey and others in the famous Star Route trials at Washington, which not only attracted attention throughout the country, but also extended his own high reputation as a criminal lawyer. Mr. McSweeney heartily accepted the presumption of law that a defendant is innocent until his guilt is proven. He was so frequently employed in the defense of persons charged with crime that his sympathy was quick and active, and his belief in the common honesty of human nature was firm and sincere. He was heartily devoted to the interests of a client and never lost sight of a fact, or a circumstance, or a point of law that could be construed in his favor. His study was so thorough and his familiarity with books so great that his word could be accepted as the law in regard to any criminal case. He was not a narrow man in the sense of devoting himself wholly to professional reading and study. His general information was large regarding history, ancient, mediæval and modern. His accumulation of learning was one of the immeasurable advantages possessed by him in framing an argument for the court or in a public address to the jury. He could draw from it almost without limit in the adornment of his speech. He was a man of generous impulses and strong sense of justice in his dealings with his fellow men. He often invoked the attribute of mercy for the tempering of justice in his appeal for a client charged with crime. He believed in giving every man the best possible chance in the race of life. He had compassion for the unfortunate and excuses for the unwary. It may be claimed for him that he was an orator by nature and training, and he belonged to the race that has produced some of the greatest orators in the history of the world. His mother was a sister of Daniel O'Connell. Mr. McSweeney was, in 1851, joined in marriage with Miss Catherine Rex, a sister of Honorable George Rex, of Wooster, one time judge of the Supreme Court of Ohio. She was a woman of strong mental endowment and excellent moral character. John McSweeney, Jr., born August 31, 1854, was the fruit of this union. The marriage tie was dissolved June 11, 1884, by the death of Mrs. McSweeney. Mr. McSweeney, the subject of this biography, died January 22, 1890.

JAMES H. CLEVELAND, Cincinnati. James Harlan Cleveland was born in Frankfort, Kentucky, January 21, 1865. He is a son of Francis L. and Laura Harlan Cleveland. He studied at Princeton College, New Jersey, graduating in the class of 1885 and receiving the appointment to the "Chancellor John C.



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John M. Fweeney

Green Fellowship" in moral science. He studied the following year in Germany, at the University of Berlin. He then returned to America and studied law at the Columbian Law School, in Washington, D. C., where he graduated in 1888. He was appointed assistant district attorney for the Southern District of Ohio, February 29, 1888, which position he retained until November 3, 1889, when he retired to form a partnership with C. Bentley Matthews, under the firm name of Matthews & Cleveland. The firm in 1897 became Matthews, Cleveland & Bowler, by the addition of Robert B. Bowler, formerly comptroller of the treasury of the United States. On March 28, 1894, Mr. Cleveland was appointed United States attorney for the Southern District of Ohio, which position he still retains. He is professor of criminal law in the Law School of the University of Cincinnati. He was married in Washington, June 5, 1888, to Grace E. Matthews, daughter of the late Justice Stanley Matthews. He has four children.

JOHN MCSWEENEY, JR., Wooster. John McSweeney, Jr., was born in Wooster on the 31st day of August, 1854. His father, the late John McSweeney, whose biography is published in this volume, had just entered upon a career at the Bar which has never been excelled in brilliancy by any other practitioner in his section of the State. His mother was Catherine Rex, a woman rich in mental resource and moral excellence, sister of Judge George Rex, who served on the Bench of the Supreme Court. Nothing is more natural, therefore, than the inheritance of talent and taste for the law by young McSweeney. He is a lawyer by heredity; an orator by kinship with Daniel O'Connell, the renowned patriot of Ireland. His early instruction was received in the public schools, followed by a classical course in the university and supplemented by liberal researches in history, philosophy and literature. He enjoyed peculiar opportunities of obtaining knowledge of the law by association, observation and absorption. These were not relied upon, however, for the exact and useful knowledge which is so essential to successful practice. He read and studied in the office of his father until he acquired a comprehensive knowledge of the text books and a pretty thorough understanding of the principles of the law—the science of jurisprudence. He attended the Boston Law School for a full term, and was graduated as a Bachelor of Laws in 1880. Admitted to the Bar in the same year he was received into partnership with his father and thus had the advantage at the outset of a clientage such as in the figment of an ambitious dream rises before the imagination of the ablest young candidate for practice, who enters the field alone, but is realized only after years of patient toil. Indeed many aspiring members of the profession, who subsequently achieved great distinction as advocates and jurists, waited long and anxiously for clients after admission to the Bar. Some of them, in a condition of painful poverty, were obliged to turn aside and engage in other occupations in order to procure their daily bread and the strength for still further endurance. For such as have the patience and the fortitude, the sedulous

application and the unconquerable determination these early struggles are not without their compensation ultimately. And yet he is the favored of fortune who, possessing the taste, the inclination, the natural abilities, the ambition, the energy, the application and the unwavering purpose to advance himself, finds the doors of opportunity wide open as soon as he is qualified. Mr. McSweeney was quick to avail himself of the advantages which a provident and proficient father had prepared for him. He brought into the practice the ardor and the enthusiasm of youth, tempered by scholarship and association with men of learning and eminence. He continued his studies in the law and in the broad field of literature, after engaging in the practice, with the same ambitious purpose, the same conscientious application, as in the stages of preparation for admission. He has never ceased to be a student and has never been dismayed by the illimitable fields of research yet unexplored. The infinite variety and the infinite resources of the law charm and satisfy the student whose inclination and purpose unite to lead him into an exploration of its depths; a student who is not satisfied with superficial knowledge; who is not content simply to examine authorities with a view to winning a particular case. Mr. McSweeney has sought to understand the principles of the law and apply them to conditions by means of reasoning. He has always been a busy lawyer in the courts, and has continued in practice alone since the death of his father. He served as prosecuting attorney of Wayne county for six years, and prosecuted violators of the law with characteristic energy, as well as fidelity to the State. This official experience made him acquainted with criminal statutes and has led to his retention in important criminal cases as counsel for defendant. In *State of Ohio vs. McCoy* he secured from the Supreme Court a decision upon an important question that had not theretofore been reviewed and settled by the highest court, viz., that a woman upon whom an abortion has been performed with her consent is an accomplice, and her evidence will require corroboration. Prior to that the same question had been ruled upon adversely in some eighty-eight cases. Mr. McSweeney has conducted much important litigation in the courts and has been successful not only as a trial lawyer, but also in a business sense. He has succeeded in accumulating a comfortable fortune. He is a strong advocate, possessing the elements of oratory which influence the minds of juries. His gifts in public speech are frequently employed on the hustings for the benefit of the Democratic party, of which he is an influential member. He was a delegate to the Chicago convention in 1896, which nominated Bryan for president. He was married December 18, 1884, to Miss Ada Mullins, of Wooster, and has three sons living—Rex, James and John. His temperament is rather poetical and finds much gratification in the perusal of such authors as Byron and Longfellow, whom he adores. He is a Shakespearean scholar and never wearies in the study of this great interpreter of human nature. His charming wife presides gracefully in a home noted for its hospitality and for the entertainment of prominent visitors to Wooster.



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C. C. ARCHER.

FRANK C. HUBBARD, Columbus. Frank Coe Hubbard, son of Herman M. and grandson of William B. Hubbard, who was a distinguished lawyer and legislator, and for twelve years Grand Master of the Grand Encampment of United States, he being the only Ohio man ever elected to this, the highest office of the Masonic order. The Hubbards have an illustrious history in the annals of the colonial period of our country. The first members of the family to emigrate to America settled in Connecticut as early as 1620. The mother of Frank C. Hubbard was Mariana Coe, from Middletown, Connecticut. She was the grand-daughter of Joshua Stow, one of the civil engineers chosen by the State of Connecticut to survey and lay off that portion of its western territory known as the Western Reserve. Frank C. Hubbard was born at Columbus, Ohio, February 13, 1852. He was prepared for college in the preparatory school of Racine College of Wisconsin, and in due time was admitted to Hobart College, Geneva, New York, from which he was graduated in June, 1873. For several years after graduation he engaged in business, principally banking, at his home, Columbus. During this time he also read law with the firm of Collins & Cole, and was admitted to the Bar by the Supreme Court of Ohio, in June, 1885, and has ever since been engaged in the practice of his profession, in which he is regarded by his fellow members as a lawyer of unusual ability, superior attainments and high character. For two years Mr. Hubbard served as a member of the State examining committee on admission to the Bar, having been appointed to that position by the judges of the Supreme court. In 1887 Mr Hubbard was elected a director of the Columbus Board of Trade. He has also served in an official capacity in connection with many of the business interests of Columbus, being a director of the Columbus and Xenia Railroad Company; Columbus Terminal and Transfer Railway Company, and is attorney for the Clinton National Bank. He is a member of the Ohio State Bar and Franklin County Bar Associations. He is also a director of the Columbus Club and served for several years as its secretary. He finds his recreation in outdoor sports and is an enthusiastic and successful disciple of Izaak Walton and a leading member of the famous Castalia Trout Club. Mr. Hubbard is a staunch Republican in politics and an influential member of his party, but has always declined public office, though frequently urged by his fellow citizens to become a candidate for various positions of honor and trust. Mr. Hubbard is a gentleman of critical and cultured literary tastes; is a great reader of all that is best in literature, and enjoys the possession of an extensive and carefully selected library. In June, 1883, Mr. Hubbard was married to Mary Belle Smith, of Columbus, Ohio.

CHAPMAN C. ARCHER, Cincinnati. C. C. Archer was born December 31, 1843, in Clermont county, Ohio, near the town of Amelia. He is the son of Benjamin and Keziah Sargeant Archer, natives of Ohio and Pennsylvania, respectively, and both of English origin. His father was a farmer, who gave a

great deal of attention to the growth of fruits and grapes, being among the first to introduce the grape into Clermont county, and owning for a long time the best equipped wine cellar in his section of the country. He was a descendant of Gabriel Archer, who emigrated to Virginia from England in 1604, locating at a place then known as "Archer's Hope." The father died in 1874, at the age of fifty-eight years, surviving his wife some fourteen years. The family originally consisted of five children, of whom but two are now living: Chapman, the subject of this sketch, and James S. Archer, who is engaged in the wholesale flour business in Cincinnati. Chapman C. Archer was educated in the public schools of Clermont county, and subsequently went to what is now known as Belmont College; he was prevented by illness, however, from graduating from the latter institution in the class of 1864, although he lacked but three months of completing the course. Subsequently he entered the law school of Cincinnati College, and graduated from that institution in 1867. Immediately after his admission to the Bar he associated himself in the practice of law with H. R. Cox, the firm name being Cox & Archer. This association continued for about two years. Subsequently he practiced his profession alone for a short time, until, in 1870, a partnership with Honorable Aaron McNeill was formed, the firm being known as Archer & McNeill. This association continued until 1894, when Mr. McNeill was elected to the office of judge of the Court of Insolvency. Subsequently Mr. Archer associated himself with G. F. Osler, the firm being at present Archer & Osler. Mr. Archer on November 22, 1872, was married to Alice M., daughter of Nathaniel G. and Rachel Maguire Witham, of Withamsville, Ohio. They have one daughter, Kittie R. Archer, who graduated from the well-known Bartholomew School in Cincinnati in 1893. Mr. Archer is a Democrat in politics, and has always been actively engaged in the work of his party in Hamilton county and in the State. He represented the county in the Sixty-first General Assembly of Ohio in 1873 and 1874, being at that time the youngest member of the body. He was also for many years a member of the board of education from the First Ward. In 1893 he was the nominee of his party for the office of probate judge, but was unsuccessful with the rest of the ticket in the election. He is a Knight Templar, a member of the Independent Order of Odd Fellows, a Knight of Pythias and a member of the Red Men. Mr. Archer is a man of commanding presence, affable manners and conservative disposition. He has been engaged continuously in the active practice of his profession since his admission to the Bar, and his industrious habits and sound judgment, combined with his careful study of legal principles and his high character, have made for him a foremost position among his associates in the legal profession. He has not confined himself to any special branch of law, but has participated in the general practice, being regarded as an effective advocate in the trial of causes, as well as a safe counsellor in the work of his office.

GEORGE H. PENDLETON, Cincinnati. Honorable George Hunt Pendleton was born July 19, 1825, in the city of Cincinnati. He was the grandson of Nathaniel Pendleton, a friend and confidant of Washington, who served through the Revolutionary War on the staff of General Greene and whom Washington appointed judge of the United States District Court of Georgia, and a son of Nathaniel G. Pendleton, one of the most distinguished men of his day, a member of Congress and an intimate friend of President Harrison. His mother was a daughter of Jesse Hunt, one of the pioneers of the western country. His early education was obtained at Woodward High School and under Professor O. M. Mitchell at the old Cincinnati College. He studied for several years under private instruction at home and concluded his educational preparation by two years' travel through Europe, Asia and Africa and a term at the University of Heidelberg. He returned to America in 1846 and studied and practiced law in Cincinnati. In 1853, he was elected a member of the State Senate from Hamilton county and served through the full term of two years. From that date until the time of his death he was prominent in the politics of his country. In 1856, he was elected to Congress and served until March 4, 1865. In 1864, when General McClellan was nominated for President of the United States, Mr. Pendleton received the unanimous vote of the convention of his party, for the Vice-Presidency. In 1868, he was the most popular man of his party for President, but was defeated by Mr. Seymour by a few votes. He was the candidate of his party for Governor of Ohio in 1869. Subsequently he was elected United States Senator from Ohio, and served from 1878 to 1884 in that position. His greatest distinction rests upon the civil service bill, which was introduced by him, and after untiring efforts on his part was enacted into law. His term as senator expired in March, 1885, whereupon he was appointed by President Cleveland minister to the German Empire. He occupied this position for more than two years and made a splendid impression upon the German government as a diplomat of dignity and ability. While in the discharge of the duties connected with this office he became so seriously ill that he started home for a rest from his labors. Upon his homeward journey he stopped at Brussels, and there died, November 24, 1889. In the following year memorial services were held in the great Music Hall in Cincinnati, at which was delivered an appreciative address by the late Isaac M. Jordan. The ceremonies were most impressive, and were attended by a distinguished body of his fellow citizens, who, regardless of party or belief, testified to the great worth of the departed statesman. Throughout his political life Mr. Pendleton was one of the leaders of the Democratic party. Although strongly opposed to the war, after peace was no longer possible he supported every measure necessary to its successful prosecution. As an orator he stood among the first men of his day and the sincerity and complete integrity of the man were never questioned even by his opponents. The respect with which he was regarded by all was indicated by the familiar name "Gentleman George," which, first applied to him rather derisively, became a proud title which was never disputed by any one. He

was a man of very high moral sense and of the purest character, and, although a public man throughout his life, his reputation remained unsullied. In 1847, he married Alice Key, a daughter of Francis Scott Key, the author of the *Star Spangled Banner*. At his death he left a son, Frank K. Pendleton, and two daughters.

LAWRENCE MAXWELL, JR., Cincinnati. Honorable Lawrence Maxwell, Jr., was born at Glasgow, Scotland, May 4th, 1853, during a visit of his mother to that country, both of his parents being natives of Scotland. His father was a brass founder for a number of years, and a member of the firm of Thomas Gibson & Co., of Cincinnati. He received his education in the public schools and at Woodward High School, and subsequently at the University of Michigan, where he graduated in 1874. Thereupon he became a member of the Cincinnati Law School, and studied law in the office of Stanley Matthews. He was admitted to the Bar in May, 1875, and in the fall of that year connected himself with the firm of King, Thompson & Longworth. Upon the election of Nicholas Longworth to the Common Pleas Bench the firm was reorganized under the name of King, Thompson & Maxwell. In 1879 he delivered lectures to the students of the Cincinnati Law School, and in 1881, by request, a special series of lectures upon the science of jurisprudence, which were attended by many members of the bar as well as the students of the school. His argument before the Supreme Court of the United States in the celebrated case involving the McArthur will was made in 1884, and attracted the attention of the Bar of the country, being characterized by the justice who wrote the opinion of the court as the finest argument he had heard while on the Bench. At the time Stanley Matthews became a member of the Supreme Court of the United States, in 1884, Mr. Maxwell retired from the firm with which he had been associated, and formed a partnership with William M. Ramsey, who had been Mr. Matthews' partner, and remained associated with Mr. Ramsey until the time of the latter's death. With E. W. Kittredge, of Cincinnati, and James C. Carter, of New York, he acted as arbitrator in the Hocking Valley Railroad case, in which several millions of dollars were involved. On March 30, 1893, President Cleveland appointed him solicitor general of the United States, which appointment he was at first inclined to refuse, but which he afterward accepted and filled with signal success. He subsequently resigned in 1895. He married, in December, 1876, Clara Bary Darrow, of Ann Harbor, Michigan. They have two children. Upon the organization of the law school connected with the Cincinnati University, Mr. Maxwell was chosen as one of the faculty, his special subjects being common law and equity pleading.



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A. A. Brown

ARTHUR A. BROWN, Cincinnati. It is often true that the young man who carves out his own fortune attains a position before men which if thrust upon him by inheritance or combination of circumstances beyond his control he would be unable to maintain. The subject of this sketch, now standing at the front among the young members of the Cincinnati Bar, is the architect of his own position. Coming to this city at the age of thirteen years he was variously employed as an operator of wood-working machinery in the carriage and furniture factories, during which time he prepared himself for active life by attending the night schools of the city. At the age of eighteen years he began the study of law, frequently carrying with him to his work a copy of some law text book, and pursued his studies while engaged in his daily labor. He was admitted to the Bar in February, 1880, and soon after began the practice of his profession in the city of Nashville, Tennessee. In 1885 he returned to this city, and for a time engaged in editorial work; but his desire and inclination urged him to re-engage in the practice of his chosen profession. Opening an office again as a practicing lawyer he was at once rewarded with a clientele that would honor a much older practitioner. Among his first important engagements was his selection as attorney for the National Association of Furniture Manufacturers, a position he continues to hold. His strength at the Bar is found in his eloquence as an advocate before a jury. In the presentation of a case he is peculiarly gifted with a manner that appeals to the sentiment of a juror. He can with the greatest skill play upon the emotions, appeal to sympathy, arouse the enmity and hate of a jury at will. Comparatively few men at the Ohio Bar excel him in power over a jury. Mr. Brown has by indefatigable effort established a commercial practice extending from the seaboard on the East to the Mississippi Valley, and has for his clients many of the largest manufacturers and jobbers in the United States. As a politician he has won fame as an orator, and as a leader with fixed and uncompromising political opinions, his counsel and advice are constantly in demand from members of his party. As a public speaker Mr. Brown is especially gifted, possessing a freedom of speech, a clearness of thought, a power of logic, a fund of humor and telling sarcasm that electrify and hold his audience wherever he appears on the platform. A number of times he has been urged as a candidate for Congress, for secretary of state, for attorney general, but has never permitted his name to be placed before a convention. More than content is he to pursue the duties of his practice and enjoy the confidence and esteem of his friends and clients, and the quiet of his library at home, rather than engage in an unseemly scramble for office.

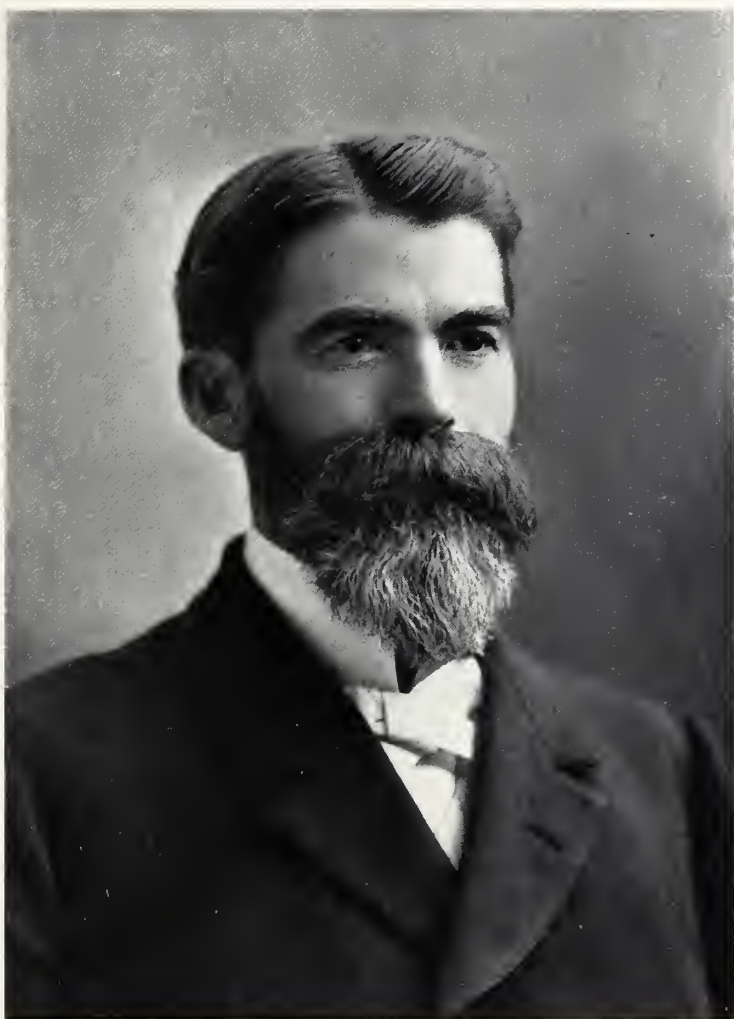
EVAN P. MIDDLETON, Urbana. Mr. Middleton is a native of Champaign county, born on his father's farm in Wayne township, April 19, 1854. Tracing the line of his ancestry back to the colonial times, we find the family seat in South Carolina. The family was originally English, but because of long

residence and frequent inter-marriages with persons of other nationality their English blood, in common with that of most old families, has become the composite of modern American stock. The family was prominent in the agitation for liberty which led up to the Revolutionary War. One of Mr. Middleton's ancestors, Arthur Middleton, member of Congress from South Carolina, in 1776, was one of the signers of the Declaration of Independence. His immediate family came from Virginia, both of his paternal grandparents being natives of Fairfax county in that State. They came to Ohio in 1810, and settled on a farm in Brown county, near Georgetown. His grandfather served in the American army in the war of 1812. He was a civil engineer and surveyor, and assisted in the survey and establishment of the county lines of Pike, Brown, Adams and other counties in the southern part of the State. He was also a farmer and land owner. Later the family removed to Champaign county, settling on a farm where the grandparents spent the remainder of their lives, his grandfather dying at the age of ninety-five and his grandmother at the age of ninety-three years, and they had passed the seventieth anniversary of their wedded life before either of them died. John Middleton, the father of our subject, was a farmer and devoted his life to that vocation. He died in 1881, of pneumonia, at the age of sixty years, on his farm in Wayne township. Mary (McCumber) Middleton, his mother, died July 4th, 1897, in the village of Cable, near the old homestead. She was of Scotch and German parentage, her mother being of German and her father of Scotch descent. Evan P. received his early education in the common schools of Wayne township. At the age of seventeen he entered the Urbana High School, where he attended about a year. He began teaching at the age of eighteen, and continued in that avocation for a period of eight years. During those years he and his brother Arthur kept up a course of literary and classical studies under private tutorship, studying the higher branches of mathematics and the Latin classics, as well as English literature. The last two and a half years of this course were devoted to the study of law under the preceptorship of General John H. Young. They were admitted in October, 1878, by the Supreme Court of Ohio, to practice in all the State courts. In the spring of 1879 they entered on the practice of law at Urbana, under the firm name of Middleton & Middleton. This partnership continued up to the death of Arthur Middleton, December 23, 1889. Since that time Mr. Middleton has continued the practice alone. In the fall of 1883 he was elected prosecuting attorney of Champaign county, and was re-elected in 1886, serving six years in that office. In the spring of 1881 he was appointed by the Supreme Court, and served as one of the board of examiners of the Cincinnati Law School for that year. As a lawyer Mr. Middleton ranks with the best at the Champaign county Bar. He is purely a lawyer and devotes all his time to his profession. He is thorough in the preparation of his cases and strong in their presentation before court and jury. He is a pleasant and forceful speaker and a successful trial lawyer. He has a large and remunerative practice. There have been but few important cases tried in the county courts

during the past ten years in which Mr. Middleton has not appeared on one side or the other. In politics he is a Republican, and takes considerable part in party politics. Speaking of his characteristics as a lawyer, one of the most prominent members of the Champaign county Bar observed: "Evan P. Middleton ranks with the most successful attorneys at this Bar. He is the sole architect and builder of his own career. He is a well educated man, and got it altogether by his own exertions and without aid of friends. He has been a close student and hard-working lawyer. He spares no pains in the preparation of his cases and is usually prepared for any emergency that may arise. He possesses considerable ability as a speaker, and is a forceful advocate before a jury or court. He is highly respected by the Bar; both for what he is and for what he has done for himself." Mr. Middleton was married on December 23, 1875, to Miss Zeppa Rippetoe, daughter of William and Martha (Farmer) Rippetoe, the former a native of Virginia and the latter of Kentucky, though both have passed most of their days in Champaign county. They have two sons and one daughter.

GEORGE E. PUGH, Cincinnati. George E. Pugh was born in Cincinnati, November 28, 1822. He studied at Miami University, whence he graduated in 1840. He took up the study of law and practiced with success until the opening of the Mexican war. He became a captain in the Fourth Ohio Regiment, and also served as aid to General Joseph Lane. At the close of the war he was elected to the Ohio legislature. In 1850 he became city solicitor of the city of Cincinnati, and in 1851 attorney-general of the State. He was elected United States Senator from Ohio in 1855, when hardly thirty-three years of age, his term extending from December 3, 1855, to March 3, 1861. In the senate he served on the committee on public lands and the committee on judiciary. He took a very active part on the floor of the senate, and was one of the leaders of the Northern Democrats. In 1860 he was a delegate to the National convention held at Charleston, South Carolina, and made the reply to the celebrated speech of William L. Yancey. In 1861 he, with William S. Groesbeck, Rutherford B. Hayes and others, telegraphed the President suggesting that General George B. McClelland be put in military authority in Cincinnati. In 1863 he made a very able speech in the Vallandigham habeas corpus case. In 1863 he was the Democratic candidate for lieutenant governor of the State, but was defeated, as he was the following year when a candidate for congress. In 1873 he was elected delegate to the State constitutional convention, but declined to act in that capacity. He died July 19, 1876. George E. Pugh has always been regarded as one of Ohio's ablest men. As an orator and a lawyer he was without a rival. His intellectual powers matured early in life and for some years he was the idol of the people and the Bar. His memory was little short of marvelous and his power of using his materials, even under the most adverse circumstances, made him almost invincible.

CHARLES S. BENTLEY, Cleveland. The Honorable Charles S. Bentley was born at Chargin Falls, Cuyahoga county, on the 5th of September, 1846. His father, Staughton Bentley, was a merchant, born in Ohio. The grandfather, Adamson Bentley, was a native of Pennsylvania, of Quaker stock. The latter came to Ohio in the latter part of the last century, where he became one of the most prominent of the Early Disciple Ministers. The Bentleys are of English descent. His mother, Orsey Baldwin, also a native of Ohio, was of English extraction and her ancestors settled first in Connecticut, at a very early period. In childhood young Bentley was sent to the common district schools, which he attended until he was eighteen years of age, when he entered the Eclectic Institute at Hiram, now Hiram College. At the age of twenty-one he entered Hillsdale College, Michigan, where he took the classical course, and was graduated in 1870. He then went to Allegan, Michigan, where he engaged in the wholesale lumber business for something over a year, and while in this business he began the study of law with Honorable B. D. Pritchard, known as the captor of Jefferson Davis. Later he went to Cleveland and entered the office of Judge Darius Cadwell, where he remained until his admission to the Bar in the fall of 1872. He commenced practice in the office of Barber & Andrews, and in February, 1873, he removed to Bryan, where he formed a partnership with the Honorable Albert M. Pratt, under the firm name of Pratt & Bentley. This co-partnership continued until 1887, when Mr. Bentley was elected judge of the Sixth Circuit of Ohio for a short term of one year. At the expiration of this term he was elected for a full term of six years, at the close of which he declined a re-election. He then located in Cleveland and resumed the practice of law in partnership with Charles H. Stewart. To have a fair estimate of Judge Bentley he must be considered both as a lawyer and a judge. Before his elevation to the Bench he was but little known beyond the counties near his home; but after assuming his judicial duties he became well and favorably known throughout the State, especially for his decisions, which were models of clearness and conciseness. There was no misunderstanding their scope, yet, withal, they were clothed in choice words, which marked the scholar as well as the jurist. Many of these decisions are found reported in the Ohio Circuit Court Reports from Vol. III to X. His associates on the Bench, Judges George R. Haynes and Charles H. Scribner, both of whom served with him the entire seven years, early recognized his worth, and while these three judges presided over the Sixth Circuit it was regarded by the Bar of Ohio as one of the ablest courts in the State. The work of Judge Bentley contributed largely to placing the court upon this high plane. While he was on the Bench the Court of the Sixth Circuit was called upon to deal with three notable subjects of litigation as to which the law was not well settled, viz, petroleum, natural gas and electricity (as a motive power). The introduction of electricity into cities for the propulsion of street cars was bitterly resisted, on the ground, among others, that it was destructive of property and the lives of persons and horses, and its use in streets would compel their abandonment by vehicles



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drawn by horses, and would be such a standing menace to all safety that franchises to thus use it were void, and injunctions to prevent its use were sought. All this caused much litigation and that court was to quite an extent a pioneer in dealing with these questions and aiding to settle the law of Ohio concerning them. While Judge Bentley was a member of that court it also had to deal with novel and intricate questions as to the legal power of an electric street railway company to obtain by condemnation the right to use jointly with a horse street-car company parts of the established tracks of the latter, and as to the measure of damages therefor, and his opinions in these cases are especially important and interesting. His relations with the Bar were always most cordial, and every member thereof was treated with the utmost courtesy. He was particularly kind to the young practitioner, and when he decided to retire and again take up his work at the Bar there was universal regret that the circuit should lose his services, and he received many urgent letters from both political parties requesting him to reconsider his decision. But wishing to resume practice, he persisted upon retiring. His rank at the Bar before his elevation to the Bench was second to none in his part of the State. He was recognized as a fighter, and when a lawyer knew that Bentley was on the other side of the trial table he well knew that every faculty would have to be alert, for nothing would be left undone which the interest of his client required. While he was a fighter, his methods were fair and only such as a lawyer with a high sense of the proprieties of his profession would employ. After retiring from the Bench he became the senior member of the firm of Bentley & Stewart, at Cleveland, where he at once took rank with the leaders of the Cleveland Bar, often being called in consultation in important cases. From his judicial experience he acquired the habit of looking at questions from both sides, and his services in consultation were most invaluable. Judge Bentley is Dean of the Baldwin University Law School at Cleveland. He is a Mason, having attained the thirty-second degree. In 1874 he married Isabel Kemton, of North Adams, Michigan, and by this union there is one daughter, now in the Woman's College at Cleveland. In 1877 Mrs. Bentley died, and in 1890 he married Mary E. Logan, of Toledo. There is no issue of this marriage.



